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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

OF THE ELEVENTH GENERAL ASSEMBLY

OF THE

STATE OF ILLINOIS,

AT THEIR CALLED SESSION, BEGUN AND HELD AT SPRINGFIELD,

DECEMBER 9, 1839.

SPRINGFIELD:

WM. WALTERS, PUBLIC PRINTER.

1839.

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

SPECIAL SESSION, A. D. 1839.

At a second session of the General Assembly of the State of Illinois, begun and held, in pursuance of the Proclamation of the Governor, at Springfield, on Monday the ninth day of December, in the year of our Lord one thousand eight hundred and thirty-nine, the following members appeared and took their seats, viz:

From the county of Union—Jacob Zimmerman.

From the county of Pope—John W. Read.

From the county of Johnson—James Copland.

From the county of Hamilton—Milton Carpenter.

From the county of Franklin—Willis Allen and Allen Bainbridge.

From the county of Gallatin—Tarlton Dunn, Samuel D. Marshall, and Daniel Wood.

From the county of Jackson—John Logan.

From the county of Perry—Richard G. Murphy.

From the county of Washington—John Crain.

From the county of White—Edwin B. Webb and Alexander Phillips.

From the county of Edwards—Allen Emmerson.

From the counties of Crawford and Jasper—Harman Alexander and John Houston.

From the county of Edgar—Robert McMillan.

From the county of Coles—Orlando B. Ficklin and James T. Cunningham.

From the county of Vermilion—JOHN H. MURPHY and ISAAC P. WALKER.

From the county of Madison—WILLIAM OTWELL, ROBERT SMITH and GEORGE SMITH.

From the county of St. Clair—JOHN THOMAS, WILLIAM W. ROMAN, and VITAL JARROTT.

From the county of Monroe—EDWARD T. MORGAN.

From the county of Randolph—GABRIEL JONES and EDMUND MENARD.

From the county of Jefferson—HARVEY T. PACE.

From the county of Clinton—JOSEPH HUEY.

From the county of Marion—HARDY FOSTER.

From the county of Bond—BENJAMIN JOHNSON.

From the county of Montgomery—JOSIAH FISK.

From the counties of Fayette and Effingham—WILLIAM L. D. EWING and WILLIAM J. HANKINS.

From the county of Greene—JOHN ALLEN, REVILL W. ENGLISH and EDWARD M. DALEY.

From the counties of Calhoun and Greene—JOHN GREEN.

From the county of Morgan—NEWTON CLOUD, JOHN HENRY, WILLIAM W. HAPPY, and JOHN J. HARDIN.

From the county of Sangamon—ABRAHAM LINCOLN, JOHN DAWSON, WILLIAM F. ELKIN, EDWARD D. BAKER, NINIAN W. EDWARDS and ANDREW MCCORMICK.

From the county of Tazewell—ALDEN HULL.

From the county of McLean—JOHN MOORE and CHENEY THOMAS.

From the county of Macon—JESSE WILSON GOUGE.

From the county of Adams—ARCHIBALD WILLIAMS.

From the county of Pike—JAMES MCWILLIAMS.

From the county of Schuyler—JOHN BROWN.

From the county of Fulton—JONAS RAWALT and NEWTON WALKER.

From the county of McDonough—WILLIAM EDMONDSON.

From the county of Hancock—MARK ALDRICH.

From the counties of Warren, Knox and Henry—WYATT B. STAPP.

From the counties of Cook, Will and McHenry—JOSEPH NAPER, GHOLSON KERCHEVAL and RICHARD MURPHY.

From the counties of La Salle, Kane, De Kalb, &c.—JOSEPH W. CHURCHILL.

From the county of Iroquois—LOUIS ROBERTS.

From the counties of Putnam and Bureau—WILLIAM H. HENDERSON.

From the counties of Jo Daviess, Mercer, Rock Island, Ogle, Stephenson, and Winnebago—JAMES CRAIG.

From the county of Champaign—JAMES H. LYONS.

The following gentlemen appeared, presented certificates of their election, were qualified, and took their seats.

From the county of Alexander—WILSON ABLE.

From the county of Wabash—JOSEPH G. BOWMAN.

From the county of Edgar—HALL SIMMS.

From the county of Shelby—WILLIAM WILLIAMSON.

From the county of Sangamon—THOMAS J. NANCE.

From the county of Peoria—MOSES HARLAN.

The Hon. William L. D. Ewing, Speaker, and member from the counties of Fayette and Effingham, took the chair, and called the House to order.

David Prickett, Clerk of the House of Representatives; Andrew Johnston, as Assistant Clerk, Joseph R. Loveless Engrossing and Enrolling Clerk, and William C. Murphy, door-keeper, gave their attendance, and entered on the discharge of their respective duties.

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that the Senate has met, in obedience to the Proclamation of his Excellency, Thomas Carlin, Governor of the State of Illinois, organized, and are ready now to proceed to Legislative duties. And he withdrew.

Mr. Oscar Love presented his certificate of election, as Representative from Pike county; when,

On motion of Mr. Williams,

The following resolution was adopted:

Resolved, That the committee on Elections be instructed to examine and report to this House, whether Richard Kerr, the member from Pike county, has vacated his seat in this House.

On motion of Mr. Bowman,

The following resolutions were unanimously adopted:

Resolved, That we learn, with feelings of unmingled regret, the death of Edward Smith, Esq., late a member of this body.

Resolved, That the members of this House, as a mark of respect for the deceased, wear the usual badge of mourning for thirty days.

On motion of Mr. Cloud, it was

Resolved, That the rules of the House of Representatives at its last session be adopted, as the rules of the House at its present session.

On motion of Mr. Hardin, it was

Resolved, That the Clerk of this House inform the Senate, that the House of Representatives has met, in pursuance of the Proclamation of his Excellency, Governor Thomas Carlin, and is ready for the transaction of any Legislative business.

Mr. Walker of Vermilion moved to reconsider the vote just taken on the passage of the resolution offered by Mr. Williams, instructing the committee on Elections to inquire whether Richard Kerr, the member from Pike county, had vacated his seat in this House.

Mr. Murphy of Vermilion moved that the House adjourn until 10 o'clock to-morrow morning; which was not agreed to.

The question was then taken on Mr. Walker's motion to reconsider, and decided in the affirmative.

Mr. Fisk moved to postpone indefinitely the further consideration of the resolution; which was agreed to, by yeas and nays, on the call of Messrs. Williams and Murphy of Vermilion, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Carpenter, Churchill, Cloud, Copland, Crain, Daley, Edmondson, English, Ficklin, Fisk, Foster, Green of Greene, Gouge, Hankins, Happy, Houston, Huey, Johnson, Kercheval, Logan, McWilliams,

Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Roman, Simms, Robert Smith, Thomas of St. Clair, Walker of Vermilion, Williamson, Wood, Zimmerman, and Mr. Speaker—42.

Those who voted in the negative, are,

Messrs. Aldrich, Baker, Bowman, Craig, Cunningham, Dawson, Dunn, Edwards, Elkin, Emmerson, Hardin, Harlan, Henderson, Henry, Hull, Jarrott, Jones, Lincoln, Lyons, Marshall, McCormick, McMillan, Menard, Murphy of Vermilion, Otwell, Pace, Phillips, Rawalt, Read, Roberts, George Smith, Stapp, Thomas of McLean, Walker of Fulton, Webb, and Williams—36.

Mr. Baker moved that the House adjourn; which was not agreed to.

Mr. Oscar Love, member elect from the county of Pike, was then qualified, and took his seat; and then,

On motion of Mr. Churchill,

The House adjourned until 10 o'clock, to-morrow morning.

TUESDAY, December 10, 1839.

House met pursuant to adjournment.

Richard W. Starr, a representative from the county of Adams, elected to supply the vacancy occasioned by the resignation of William G. Flood, appeared, was qualified, and took his seat.

On motion of Mr. Daley,

Resolved, by the House of Representatives, (the Senate concurring) that a joint select committee of three on the part of the House and two on the part of the Senate be appointed to wait on the Governor and inform him that both the Houses have organized and are now ready to receive any communication which he may desire to make.

Ordered, That Messrs. Daley, Walker of Vermilion, and Able be that committee on the part of the House, that the Clerk inform the Senate thereof and ask their concurrence therein.

On motion of Mr. Lincoln,

The rule of the House was dispensed with and leave given him to introduce a bill for "An act to authorize the Collectors of —— County to collect certain taxes therein named," which was twice read, and on his motion referred to a select committee.

Ordered, That Messrs. Lincoln, Naper and Bowman, be that committee.

Mr. Churchill presented the petition of sundry inhabitants of DeKalb county, praying the Legislature to pass an act declaring Coltonville the permanent County seat of said County; which was referred without reading, on his motion to the committee on Counties.

On motion of Mr. Allen of Greene,

Resolved, That the committee on Education, be instructed to enquire into the propriety of so changing the law regulating the compensation of School Commissioners and of Treasurers of Townships in the several counties in this State as to give them competent fees for their services respectively, in lieu of a per cent.

Mr. Williams proposed for adoption the following preamble and resolutions, viz:

Whereas the State of Illinois hath contracted a debt exceeding ten millions of dollars, the annual interest upon which will amount to more than six hundred thousand dollars: and whereas an annual revenue from all sources, notwithstanding the present increased rate of taxation, will not exceed two hundred thousand dollars: and whereas an annual deficit of above four hundred thousand dollars will thus be created, exclusive of the amount required to defray the ordinary expenses of the State Government: and whereas an increase of the present taxes on the people of this State, sufficient to supply this deficit, would be an oppressive and intolerable exaction: and whereas the annual revenue of the United States, exclusive of the sales of public lands, exceed the sum of twenty-five millions of dollars: and whereas this amount is more than is necessary for an economical administration of the Federal Government: and whereas the Congress of the United States has already shown a willingness to distribute the proceeds of the sales of public lands among the several States: and whereas the apportionment of this surplus revenue among the several States, according to the ratio of representation, would in the words of President Jackson, in his first annual message to Congress "be the most safe, just, and federal disposition," which could be made thereof:

Therefore, in order to secure economy in the expenditure of the Federal Government, and at the same time to protect the people of this State from oppressive and ruinous taxation:

Be it resolved, by the General Assembly of the People of the State of Illinois, that our Senators in Congress be instructed, and our Representatives be requested, at the present Session of Congress, to propose and use their most zealous efforts to procure the passage of a law, which shall provide for the distribution of the proceeds of the sales of the public lands, upon equitable principles, among the several States of this Union:

And be it further resolved, That the Governor be, and he is hereby requested to transmit, to each of our Senators and Representatives in Congress, , a copy of the foregoing preamble and resolution, which were read, and,

On his motion, referred to the committee on Finance.

On motion of Mr. Flicklin,

Resolved, By the House of Representatives, the Senate concurring herein, that a joint select committee of five on the part of the House, and three on the part of the Senate, be appointed to examine into the condition of the State Bank of Illinois, and also into any charges which may be preferred against said Bank; and that they have power to send for persons and papers.

Ordered, That Messrs. Ficklin, Happy, Murphy of Cook, Baker and Moore be that committee on the part of the House, in pursuance of the foregoing resolution, that the Clerk inform the Senate thereof, and ask their concurrence therein.

On motion of Mr. Robert Smith,

Resolved, That any editor or authorized agent of a newspaper in this State, who may wish to report the proceedings of the General Assembly, be permitted to occupy a seat within the bar of this House for that purpose.

The Speaker laid before the House a communication from David Prickett, Clerk of this House, announcing his resignation; which was read, and,

On motion of Mr. Walker of Vermilion,

Laid on the table.

On motion of Mr. Walker of Vermilion,

Resolved, That the House now proceed to the election of a principal Clerk.

The House accordingly proceeded to the election of a principal Clerk, and upon the vote being taken, John Calhoun received forty-five votes, and Andrew Johnson received thirty-eight votes:

Those who voted for Mr. Calhoun, are,

Messrs. Able, Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Carpenter, Churchill, Cloud, Copland, Crain, Daley, Edmondson, English, Fisk, Foster, Green of Greene, Gouge, Hankins, Happy, Harris, Holmes, Houston, Huey, Kercheval, Love, Logan, Maus, McCormick, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Roman, Simms, Robert Smith, Thomas of St. Clair, Walker of Vermilion, Williamson, Zimmerman, and Mr. Speaker—45.

Those who voted for Mr. Johnson, are,

Messrs. Aldrich, Baker, Bowman, Craig, Cunningham, Dawson, Dunn, Edwards, Elliott, Elkin, Emmerson, Ficklin, Hardin, Harlan, Henderson, Henry. Hull, Jarrott, Johnson, Jones, Lincoln, Lyons, Marshall, McMillan, Menard, Murphy of Vermilion, Otwell, Phillips, Rawalt, Read, Roberts, George Smith, Stapp, Starr, Thomas of McLean, Walker of Fulton, Webb, and Williams—38.

Mr. Calhoun having received a majority of all the votes given, was declared by the Speaker of the House duly elected Clerk of the House of Representatives.

Message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that they have adopted the following resolution, viz:

Resolved by the Senate and House of Representatives, That a joint select committee of two from the Senate, and three from the House of Representatives, be appointed to wait on the Governor to inform him that the two Houses of the General Assembly of the State of Illinois, have met and organized, and are ready to receive any communication which he may wish to make, and appointed Messrs. Parrish and Weatherford the Committee on their part.

In the adoption of which they ask the concurrence of the House of Representatives. And then he withdrew.

Another message from the Senate by the same.

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the adoption of the resolution from the House of Representatives, appointing a joint select committee to wait upon the Governor, &c., and have appointed Messrs. Parrish and Weatherford the committee on their part. And he withdrew.

On motion of Mr. Moore,

Resolved, That the Committee on Finance, be requested to enquire into the expediency of so amending the revenue law of this State, as to make the Assessors and Collectors of the revenue elective by the people, and that

they enquire whether any further amendments to that law are necessary, and that they report by bill or otherwise.

Mr. Walker of Vermilion, proposed for adoption the following resolution; which was not agreed to, viz:

Resolved, That the Clerk of this House be authorized to call any suitable person to assist him in the discharge of his duties.

Mr. Dawson gave notice that on Monday next, or some day thereafter he should ask leave to introduce a bill, to incorporate the Sangamon Coalbank Bridge Company.

And the House adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, December 11, 1839.

House met pursuant to adjournment.

Jesse K. Dubois a representative from the county of Lawrence, and Jesse M. McCutchen, a representative from the county of Schuyler, appeared and took their seats.

Mr. Daley from the joint select committee appointed to wait on the Governor, reported that in compliance with the order of the two Houses, they have fulfilled that duty, and were informed by the Governor that he would transmit to them at 10 o'clock, a written communication.

Mr. Dubois presented the petition of sundry citizens of Lawrence county, praying for the re-location of a State road therein named; the reading of which was on his motion dispensed with, and the same referred to the committee on claims.

Mr. Churchill presented the petition of the citizens of De Kalb, praying for the passage of an act, legalizing the election held in said county, to vote for or against the removal of the seat of justice thereof; the reading of which, on his motion was dispensed with, and the same referred to the committee on Counties.

Mr. Marshall presented the petition of Calvin Gold, praying for relief, which was read and referred to the committee on Judiciary.

Mr. Baker on his request was excused by the House from serving on Bank Investigating Committee, and Mr. Lincoln was appointed in his place by the chair.

Mr. Walker of Fulton, presented the petition of the citizens of Fulton county, praying the vacation of a certain town plat therein named; and on his motion, referred to a select committee of three.

Ordered, That Messrs. Walker of Fulton, Edmonson and Harlan be that committee.

Mr. Logan presented the petition of sundry citizens of Jackson county, praying for the alteration of a State road therein named; and on his motion, the reading of which was dispensed with, and the same referred to the committee on Roads and Canals.

Mr. Gouge presented the petition of W. M. H. Piatt, administrator of James A. Piatt, praying for authority to make deeds to certain lots in the town of Monticello, Macon county; and on his motion, the reading of which was dispensed with, and the same referred to a select committee of two.

Ordered, That Messrs. Gouge and Williamson be that committee.

Mr. Allen of Franklin presented the petition of Benjamin W. Pope and William Gassaway, praying to be permitted to erect a mill-dam across Big Muddy river; and on his motion, the reading of which was dispensed with, and the same referred to a select committee.

Ordered, That Messrs. Allen of Franklin, Read and Pace be that committee.

Mr. Copland presented the petition of sundry citizens of Johnson county, praying a re-location of a part of the State road that lies between Vienna and the City of Metropolis, and on his motion, the reading of which was dispensed with, and the same referred to a select committee.

Ordered, That Messrs. Copland, Read and Able be that committee.

On motion of Mr. Dawson,

Resolved, That the Auditor of Public Accounts be requested to transmit to this House a tabular statement, by counties, of the amount of taxable property set down to each, and the whole amount of property assessed in the State. The amount of revenue which will be derived therefrom. The amount required by the State to defray the ordinary expenses of the State Government; together with such other remarks and explanations as his experience has found to be necessary.

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have adopted the following resolution, in the adoption of which, they ask the concurrence of the House of Representatives, and have appointed Mr. Gatewood the committee on their part, viz:

Resolved by the Senate, the House of Representatives concurring herein, That a joint select committee consisting of one on the part of the Senate, and two on the part of the House be appointed to prepare and report joint rules for the government of the intercourse of the two Houses. And he withdrew.

The resolution contained in the foregoing message was read and concurred in, and Messrs. Cloud, Murphy of Cook, and Fisk were appointed the committee upon the part of the House.

Mr. Murphy of Cook introduced a bill, entitled a "Bill for an act to amend an act, entitled an act, to vacate the survey and plat of the town of Middleton;" which was read the first time, and

Ordered to a second reading.

On motion of Mr. Murphy of Cook,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. McMillan introduced a bill entitled "A bill to amend an act, entitled an act relative to criminal jurisprudence;" which was read the first time, and

Ordered to a second reading.

On motion of Mr. McMillan,

The rule of the House was dispensed with, and the bill read a second time by its title, and

On motion of Mr. McMillan,

Was referred to the committee on Judiciary.

Mr. Allen of Greene introduced a bill entiled "A bill for an act authorizing the School Commissioner of Greene county, to sell a section of land therein named;" which was read the first time, and

Ordered to a second reading.

On motion of Mr. Daley,

The rule of the House was dispensed with, and the bill read a second time by its title.

On motion of Mr. Daley,

The bill was referred to a select committee.

Ordered, That Messrs. Daley, Allen of Greene, and George Smith be that committee.

Mr. Walker of Vermilion introduced a bill entitled "A bill for an act to vacate a part of the plat of the town of Shepherdstown;" which was read the first time, and

Ordered to a second reading.

On motion of Mr. Walker of Vermilion,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

On motion of Mr. Daley,

The following resolution was adopted, to-wit:

Resolved, That the House now proceed to the election of Assistant Clerk.

The House accordingly proceeded to the election of Assistant Clerk, and upon the vote being taken, Isaac S. Berry received twenty-one votes, Samuel S. Brooks received twenty-five votes, and Benjamin Kellogg, jr., received thirty-nine votes.

Those who voted for Mr. Berry, are,

Messrs. Churchill, Crain, Ficklin, Foster, Hankins, Houston, Huey, Kercheval, Logan, Murphy of Cook, Murphy of Perry, Naper, Roman, Simms, Stapp, Walker of Fulton, Walker of Vermilion, Williamson, Wood, Zimmerman, and Mr. Speaker—21.

Those who voted for Mr. Brooks, are,

Messrs. Able, Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Carpenter, Cloud, Copland, Daley, Edmonson, English, Fisk, Green of Greene, Gouge, Happy, Harris, Love, McWilliams, Moore, Morgan, Nance, Pace, Robert Smith, and Thomas of St. Clair —25.

Those who voted for Mr. Kellogg, are,

Messrs. Aldrich, Baker, Bowman, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Emmerson, Hardin, Harlan, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Lincoln, Lyons, Marshall, Maus, McCormick, McCutchen, McMillan, Menard, Murphy of Vermilion, Otwell, Phillips, Rawalt, Read, Roberts, Gouge, Smith, Starr, Thomas of McLean, Webb, and Williams—39.

Neither of the candidates having received a majority of all the votes, the House proceeded to vote a second time, when Isaac S. Berry received twenty votes, Samuel S. Brooks received twenty-four votes, and Benjamin Kellogg, jr., received forty-two votes.

Those who voted for Mr. Berry, are,

Messrs. Carpenter, Churchill, Crain, Ficklin, Hankins, Houston, Huey,

Kercheval, Logan, Murphy of Cook, Murphy of Perry, Nance, Naper, Bowman, Simms, Walker of Vermilion, Williamson, Wood, Zimmerman, and Mr. Speaker—20.

Those who voted for Mr. Brooks, are,

Messrs. Able, Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Carpenter, Cloud, Copland, Daley, Edmonson, English, Fisk, Foster, Green of Greene, Gouge, Happy, Harris, Love, McWilliams, Moore, Morgan, Pace, Robert Smith, and Thomas of St. Clair—24.

Those who voted for Mr. Kellogg, are,

Messrs. Aldrich, Baker, Bowman, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Emmerson, Hardin, Harlan, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Lincoln, Lyons, Marshall, Maus, McCutchen, McMillan, McCormick, Menard, Murphy of Vermilion, Otwell, Phillips, Rawalt, Read, Roberts, Gouge, Smith, Stapp, Starr, Thomas of McLean, Walker of Fulton, Webb, and Williams—42.

No election having been made, the vote was taken a third time, and resulted as follows:

For Mr. Berry seven votes, for Mr. Brooks thirty-eight votes, and for Mr. Kellogg, forty-one votes.

Those who voted for Mr. Berry, are,

Messrs. Ficklin, Kercheval, Murphy of Cook, Simms, Walker of Fulton, Webb, and Williamson—7.

Those who voted for Mr. Brooks, are,

Messrs. Able, Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Carpenter, Churchill, Cloud, Copland, Crain, Daley, Edmonson, English, Fisk, Foster, Green of Greene, Gouge, Happy, Hankins, Harris, Houston, Huey, Love, McWilliams, Moore, Morgan, Murphy of Perry, Nance, Naper, Pace, Roman, Robert Smith, Thomas of St. Clair, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—38.

Those who voted for Mr. Kellogg, are,

Messrs. Aldrich, Baker, Bowman, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Hardin, Harlan, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Lincoln, Logan, Lyons, Marshall, Maus, McCormick, McMillan, McCutchen, Menard, Murphy of Vermilion, Otwell, Phillips, Rawalt, Read, Roberts, Gouge, Smith, Stapp, Starr, Thomas of McLean, and Williams—41.

No election being yet made, the vote was taken a fourth time, and stood as follows:

For Mr. Berry, four votes, for Mr. Brooks, forty-two votes, and for Mr. Kellogg, forty votes.

Those who voted for Mr. Berry, are,

Messrs. Allen of Greene, Ficklin, Stapp, and Walker of Fulton.

Those who voted for Mr. Brooks, are,

Messrs. Able, Alexander, Allen of Franklin, Bainbridge, Brown, Carpenter, Churchill, Cloud, Copland, Crain, Daley, Edmonson, English, Fisk, Foster, Green of Greene, Gouge, Hankins, Happy, Harris, Houston, Huey, Kercheval, Logan, Love, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Roman, Simms, Robert Smith, Thomas of St. Clair, Walker of Vermilion, Williamson, Wood, Zimmerman, and Mr. Speaker—42.

Those who voted for Mr. Kellogg, are,

Messrs. Aldrich, Baker, Bowman, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Hardin, Harlan, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Lincoln, Lyons, Marshall, Maus, McCormick, McCutchen, McMillan, Menard, Murphy of Vermilion, Otwell, Phillips, Rawalt, Read, Roberts, Gouge, Smith, Starr, Thomas of McLean, Webb, and Williams—40.

No election being yet made, the vote was taken the fifth time, and stood as follows:

For Mr. Berry, twenty-nine votes, for Mr. Brooks, twenty votes, for Mr. Kellogg, thirty-seven votes.

Those who voted for Mr. Berry, are,

Messrs. Able, Aldrich, Carpenter, Churchill, Crain, Edmonson, English, Ficklin, Foster, Gouge, Hankins, Houston, Huey, Kercheval, Logan, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Naper, Roman, Simms, Stapp, Walker of Vermilion, Walker of Fulton, Webb, Williamson, Wood, Zimmerman, and Mr. Speaker—29.

Those who voted for Mr. Brooks, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Cloud, Copland, Daley, Fisk, Green of Greene, Happy, Harris, Love, McWilliams, Moore, Morgan, Nance, Pace, Robert Smith, and Thomas of St. Clair—20.

Those who voted for Mr. Kellogg, are,

Messrs. Baker, Bowman, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Hardin, Harlan, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Lincoln, Lyons, Marshall, Maus, McCormick, McCutchen, McMillan, Menard, Otwell, Phillips, Rawalt, Read, Roberts, Gouge, Smith, Starr, Thomas of McLean, and Williams—37.

No election being yet made, the vote was taken the sixth time, and resulted as follows:

For Mr. Berry, forty-four votes, for Mr. Kellogg, forty votes, and Mr. Jones, two votes.

Those who voted for Mr. Berry, are,

Messrs. Able, Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Carpenter, Churchill, Cloud, Copland, Crain, Edmonson, English, Ficklin, Foster, Green of Greene, Gouge, Hankins, Happy, Harris, Houston, Huey, Kercheval, Logan, Love, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Roman, Simms, Robert Smith, Stapp, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Williamson, Wood, Zimmerman, and Mr. Speaker —44.

Those who voted for Mr. Kellogg, are,

Messrs. Aldrich, Baker, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Hardin, Harlan, Henderson, Huey, Holmes, Hull, Jarrott, Johnson, Jones, Lincoln, Lyons, Marshall, Maus, McCormick, McCutchen, McMillan, Menard, Murphy of Vermilion, Otwell, Phillips, Rawalt, Read, Roberts, G. Smith, Starr, Thomas of McLean, Webb, and Williams—40.

Mr. Daley and Mr. Fisk voted for Mr. Jones.

Whereupon,

Isaac S. Berry having received a majority of all the votes given, was declared duly elected Assistant Clerk to the House of Representatives.

A message from the Governor, by Mr. Field, Secretary of State:

Mr. Speaker: I am directed by the Governor to lay before the House a message in writing. And he withdrew.

Whereupon,

The Speaker laid before the House the following message from the Governor:

FELLOW-CITIZENS

of the Senate and House of Representatives:

You are assembled in your Legislative capacity in conformity to my Proclamation of 19th October last, and it now becomes my duty to lay before you briefly the principal reasons for which you have been convened.

Our system of Internal Improvements presents a subject of deep and absorbing interest in which the destiny of the State is involved, and when compared with its prospects and resources, is truly alarming. The public credit has been, and continues to be, extended to exhaustion, with a view of increasing the enormous debt which has been incurred. The vast amount which has been and is daily expending upon costly, and at present, unnecessary work, calls loudly for immediate Legislative interposition.

The general disapprobation of the people to the extent of the system, and to the further continuance of the extravagant expenditures under the plan of operations which has been pursued, furnishes ample cause for convening you.

The following is a brief statement of the present financial condition of the State.

Present Indebtedness.

Amount of Illinois and Michigan Canal Stock sold -	$2,400,000
Bank and Internal Improvement do - -	2,665,000
Internal Improvement stock sold - - - -	3,187,000
Stock issued for revenue purposes - - - -	128,000
Amount hypothicated by Fund Commissioners in Europe - - - - - - - -	1,500,000
To which may be added amount due School Fund -	750,000
Probable deficit in ordinary expenses for the year -	
Liabilities on account of surplus revenue deposited with State - - - - - - - - -	477,919 44
Total liability of the State - - - - - -	11,107,919 44
Amount upon which the State pays interest - -	10,630,000 00
Annual amount of interest, at six per cent. - - -	637,800 00

Present Available Resources.

Amount of State stock on the Bank of Illinois - -	1,000,000
Amount in State Bank of Illinois - - - -	2,100,000
Sum total of Bank stock - - - - - -	$3,100,000
Probable dividends arising therefrom - - - -	248,000

Balance of debt against the State after deducting the amount of Bank stock - - - - - -	7,530,000
Amount of annual interest after deducting Bank dividends	389,800
Unavailable Resources.	
The amount of Canal lands remaining unsold 270,182 acres - - - - - - - - - -	
Amount of lands entered under the act establishing a General System of Internal Improvements 40,332.34–100ths. - - - - - - - -	
Should the estimated cost of railroads when completed, be assumed according to the report of the Board of Public Works in December last, it would amount to - - - - - - - - -	11,470,444 50
Add amount of appropriations to rivers, under the act establishing a General System of Internal Improvements - - - - - - - -	400,000 00
To Western Mail Route - - - - - -	250,000 00
To Counties - - - - - - - - -	200,000 00
Special appropriations under the act of 1839 - -	388,000 00
Indefinite appropriations under the same act - -	388,000 00
Cost of system when completed according to estimate -	$13,096,444 50
The annual interest on the same at six per cent. - -	785,786 68
Should the present plan of raising funds for the completion of the Canal be adhered to, it will add to the public debt according to the original estimated cost of the Canal, the sum of - - - - - -	8,000,000 00
To which add amount due the School Fund - - -	750,000 00
Constituting a State debt, on the completion of all the works authorized by law, amounting to - -	$21,846,444 50
Amount of interest which would annually accrue on the same - - - - - - - -	1,310,786 67

The amount of canal lands remaining unsold, which, as will be perceived, I have placed under the head of unavailable resources, is estimated to be equal to the remaining cost of the canal on its completion.

From this cursory view of the present condition of our State, the propriety of my recent proclamation, and the weighty considerations which induced it, cannot but be apparent. Perhaps no former period of our political history presents questions of more absorbing interest, or so likely to have such an important bearing on our future destiny.

Within the last few years, the spirit of speculation—the natural offspring of an inflated paper circulating medium, has swept over the country. Millions, unaware of its fatal tendency, partook largely of its morbid influence, and wildly rushed into folly and extravagance. Forgetting the real source of wealth—the actual products of the country, they embarked in the most visionary schemes, and became a consuming instead of a producing people. If loans could be obtained for the prosecution of a favorite enterprise, they were willing to leave time to provide for the liquidation

of debts incurred, without any regard to existing, and I may add, prospective resources. Not only individuals, but representative bodies, were allured from the paths of prudence and economy by the overweening seduction of this popular, but fatal delusion. At this critical and most important crisis, a bill was introduced into the Legislature, providing for a general system of Internal Improvements by the construction of nearly thirteen hundred miles of railroads and the improvement of various rivers, and such was the zeal with which it was urged, and so numerous and powerful were its friends, that it passed through both Houses by large majorities. No fear seemed to be entertained by its advocates but that the ability and resources of the State would prove equal to the accomplishment of such a herculean task, and they pointed with pride and exultation to that high rank in the scale of wealth to which, as they alledged, the measure would finally elevate us.

As for myself, at the time I entered upon the station I now occupy, I had no doubts that the system was larger than our means could sustain, but being in favor of a system owned exclusively by the State, I only expressed my disapprobation of its extent, and my preference for the construction of the most important work first; for at that period, as at present, the amount expended under the existing plan of operations, deeply involved our character and credit, and seemed to forbid its abandonment. The vast debt, however, already incurred, the interest of which must be promptly paid, and the deranged state of the monetary affairs of this and other countries, making the negotiations of loans on acceptable terms exceedingly difficult, if not impracticable, interpose insurmountable obstacles to the successful prosecution of the system as now authorized by law. If additional testimony is wanting of the absolute necessity of its speedy reduction, and a more judicious application of our expenditures, it is to be found in the almost universal opposition of the people to the extent of the works and the manner in which they are prosecuted, partially expressed through the medium of public meetings held in various counties, the proceedings of which have been addressed to me in my official capacity.

I am aware that the System is the result of mutual concession and compromise, and that its advantages were to be dispensed as equally as possible throughout the State, by the construction of improvements in almost every county, and appropriating to those in which no improvements were to be made, $200,000 in lieu thereof.

Not adhering, however, to these principles of compromise, extravagant as they appear, it seems to have been the settled determination of subsequent legislation, not only to carry out the original System, but actually to enlarge it nearly $1,000,000. The fatal tendency of this course, and the ruinous policy of simultaneously commencing all the works, and constructing them in detached parcels, thus making the completion of the most important depend upon the completion of the whole, is alike at variance with the principles of sound economy, destructive to the interests of the State, and to the System in all its parts. Absolute necessity, as well as the dictates of wisdom and prudence, demand at your hands such enactments as will remedy these evils, and ensure a judicious application of all future expenditures. I would, therefore, most earnestly recommend the concentration of all future labor and expenditures upon the most useful and

promising roaa and to the improvement of such of the larger class of rivers, as may be susceptible of steamboat navigation, and to suspend operations and expenditures upon all others, at least until those are completed. All experience teaches that it requires a large amount of transportation to render railroads and canals productive, and this can only be expected in populous countries, and between large commercial depots.

In a country like our own, unsurpassed for fertility—abounding with natural advantages, and inexhaustible resources—intersected and almost surrounded with natural navigation—with a surface admirably adapted to the construction of Internal Improvements, a judicious System, excluding all works which would not probably yield a revenue equal to the interest accruing on the cost of their construction, and the expenses necessary to keep them in repair, would aid in the development of those resources, furnish facilities to the industry and enterprise of the people, promote the interests, and advance the rapidly increasing population of the country, and ultimately ensure the construction of such additional works as the practical wants of the community and the available means of the State might justify. By the adoption of such a system of operation, I may repeat, the completion of one road, would facilitate the construction of others, and thus all, so far as necessity may call for, be finally accomplished without exhausting or crippling the resources of the State; the interest of the money expended would thus cease to be burthensome to the people, after the completion of the works to which it had been applied.

I am aware that objections may be urged against the adoption of the proposed modification, as some may be found unwilling to suspend their favorite work. Whatever may have been the notions which influenced previous legislation upon this important subject, I cannot conceive it possible that so selfish a policy, at a juncture so critical as the present, will be brought into collision with the paramount interests of the State. Adherence to such suicidal measures, would only tend to endanger and destroy those improvements, which, if completed, would be the most useful and profitable, while it could not possibly coerce the completion of expensive and unnecessary works. The great magnitude of the subject, and the vastness of the interests involved, in which all the citizens of the State so deeply participate, induces me to invoke, and with implicit confidence, rely, upon your united wisdom in maturing and adopting such measures of reform as may best promote and subserve the public welfare.

Not having been furnished with the reports of the Board of Public Works, I am unable to lay before you the progress made in the manner of proceeding with, and the amount of disbursments upon our System of Internal Improvements, further than a statement furnished me by the Secretary of the Board of Fund Commissioners, which is herewith transmitted, marked A.

On the 4th of November last, Messrs. Rawlings and Oakley, two of the Fund Commissioners, apprised me by letter of that date, that they had contracted with Messrs. Wright & Co. of London, for the delivery of State bonds to the amount of $4,000,000, $500,000 of which has to be paid in railroad iron, and $250,000 more to be drawn for on the delivery of the bonds. They also informed me that they had constituted the said company agents for the State for the sale of the residue of the bonds, and that the whole transaction comprised an indivisible contract, and requested me

to execute the bonds in accordance with the same. Having some doubts as to the character of the negotiation, and being apprehensive that the interest of the State would be likely to suffer by throwing such an amount of our stock into the London market, in the present deranged state of financial affairs, I hesitated to sign bonds to the amount of $4,000,000, although I was imperatively required to do so, by law. I executed, however, bonds to the amount of $750,000, absolutely disposed of, and informed the Commissioners they were ready for delivery, urging, at the same time the propriety of withholding the residue of $3,250.000, subject to legislative action. But being informed by the Commissioners that less than $1,500,000 would not secure the contract, I finally, on their urgent solicitation, executed bonds to that amount, the Commissioners consenting that the residue might remain subject to your action.

You are not unaware, gentlemen, that great distress, disappointment, and loss have been incurred by contractors on various works, for the want of prompt payment of estimates on the part of the Commissioners. Why these estimates have not been discharged, I am unable, from any means of information in my possession, to determine. In view, however, of the fact that in some instances they have not been paid as they became due, and that in all probability, some of them still remain unsatisfied, I would respectfully and earnestly recommend an investigation of the accounts and proceedings of the Board of Public Works, and the conduct of all officers and agents connected with the System.

According to a statement of the Acting Commissioner of the Canal Board, the expenditures upon that work, inclusive of contracts and contingent expenses, up to the first of October, 1839, amount to the sum of $2,468,616 38. In addition to this, the amount payable to contractors, exclusive of contingent expenses on the first day of December, will not probably, vary much from $150,000. The probable additional cost of the Canal will be $5,500,000, making the aggregate cost of that work, when completed, $8,118,616 38. The amount realized from the sale of town lots, inclusive of sales made in 1836, and up to the present time, is $486,448 75. The amount of sales of town lots and miscellaneous sales of wood and timber to contractors, inclusive of those made in 1836, and up to the present time, is $1,419,727 50, and the amount of bills receivable up to the present date, is $1,047,654. Of this sum, $847,470 75 was forfeited. The purchasers, however, of the Canal property have the right, under an act passed by the Legislature at its last session, to cancel their notes by the execution of new obligations payable within twenty years, with six per cent. interest, per annum, on the amount due. The amount of unsold Canal Lands, as I before remarked, is 270,182 acres, making the estimated amount of Canal property (assuming said land to be worth $5,500,000,) $7,034,102 35, leaving a balance against the Canal of only $1,084,513 63, the greater part of which, I am persuaded, can be realized from contingent resources.

The failure to negotiate loans for the prosecution of this work, aside from the derangement of the financial affairs of this country and Europe, is in a great manner attributable to that provision in the law rendering the payments of interest annually. The interest accruing on all other bonds issued by the State, and as far as I am advised, by all our sister States, is stipulated to be paid semi-annually or quarterly, which of course gives

them the precedence in the market. It would, therefore, seem indispensable that the Canal Stock should be placed, in this respect, upon an equality with other stocks issued for similar purposes.

A loan of $1,000,000 effected by Gov. Reynolds and Gen. Rawlings in April last, from the U. States Bank, payable in instalments of $100,000 per month, for ten successive months, was obtained upon very unfavorable terms.

By the stipulations of this contract, I was compelled to incur great expense and hazard to the State in the transportation of the instalments from Philadelphia to Chicago as they became due. For more full information, however, upon this subject, a copy of the contract, together with the copy of one entered into with Mr. John Delafield of the City of New York, for the sale of $300,000 of State Bonds, (being the amount loaned to the Canal Fund out of the Internal Improvement Fund under an act approved January 21st, A. D. 1839) are herewith transmitted, marked "B."

On the first day of June last, a deficit of $208,000 had accrued against the Canal Fund. The expenses upon that work from the 1st. day of May, until the first day of August inclusive, not varying much from $150,000 per month, exceeded the monthly instalments due from the United States Bank, about $50,000. To supply this deficit, I placed in the hands of Gen. Thornton, $500,000 of State Bonds, to be sold by him at Chicago; $100,000 of which he has sold at a premium of one per cent., but not finding a market for the residue, an arrangement was entered into by him, with the State Bank of Illinois, in the month of July last, to transfer to that Bank the remaining seven instalments of $100,000 each as they become due from the United States Bank to the Canal Fund, to which I assented. By this negotiation, the State Bank agreed to increase the instalments so as to avoid a suspension of operations upon a portion, if not all the work on the Canal, thus saving an immense sacrifice to the contractors, and loss to the State, as well as the consequent risk and expense attending the transportation of the instalments from Philadelphia to Chicago. The terms of this arrangement, also are transmitted, marked "C."

On the 18th day of September last, Gov. Reynolds entered into an arrangement with the State Bank of Illinois for the additional sale of $1,000,000 of Canal Stock, by which he agreed to pay the accruing interest semi-annually, at the rate of six per cent., per annum; and on the 19th of the same month, he contracted with Anson H. Bangs, agent on behalf of the Farmers' and Mechanics' Bank of Onondaga, located at Fayetteville, in the State of New York, for the sale of $500,000 more, and agreed that the accruing interest thereon should be paid quarterly. Both of these contracts remain open for your inspection and ultimate decision, (having been declined by me on the ground of legal objections) and are herewith transmitted marked "D."

All negociations for the sale of Illinois stocks, and the stocks of other States so far as I have learned, during the past year, have been attended with great expence and disadvantage; and similar difficulties must be encountered in our future operations while the money markets remain depressed. The policy of placing our stocks in the European markets, I have always doubted, but of its inexpediency, at the present time, there can be no

question; to say nothing of a premium on their sale, it is impossible to realize par value in European currency; and to receive it in United States currency in our Eastern cities, would result in immense sacrifice. The sale of our Bonds in the United States, payable in pounds sterling, the interest and principal being made payable in Europe, (although the contract may fix the value of a dollar at *four shillings, six pence*) is calculated to produce difficulty and probably great loss. Should the debt, be liquidated in SILVER, other than the coinage of Great Britain, the dollar would only be worth about *four shillings, two pence*, which would be equal to eight per cent. discount; and if in GOLD, it would be still greater, the standard value of a *British Sovereign* in this country, being $4,87, and in Europe only equal to $4,44, which would exceed 9½ per cent. discount. If paid in Bills of Exchange, it would in that event, depend upon the difference of exchange at the time of payment. This subject merits your attention, whether viewed in reference to sales already made, or those which may hereafter be effected. All future negotiations should be dictated by sound policy, wisdom and prudence, and all expenditures judiciously and economically applied.

Having thus placed this important part of our stupendous system of public works, with the prospects and difficulties belonging to the same before you; it only remains for me to suggest a measure of relief. As a means of conducting the operations on the canal to a successful termination, bringing the residue of its lands into market, to be disposed of on such terms as may enable the State to meet with promptitude, the interest accruing upon her bonds, seems to me, a plan as plausible as any that can be recommended.

In the present exigency of affairs, it seems to my mind that the resources of the canal should be called into requisition by the sale of such portion of the lands donated by the General Government as would equal the liabilities which the State may have contracted from time to time for the prosecution of that work, extending to the purchasers a credit commensurate with the time of the final redemption of the bonds sold the purchasers, paying interest on the amount at the rate of six per cent. per annum. By this means the interest on the sales would meet the interest on the money borrowed, and the principal the final redemption of the bonds.

An arrangement was entered into with the Bank of Illinois, for advances in anticipation of the instalments which would become due from the Poughkeepsie Locomotive Engine Company, at the Atlantic Bank, New York, upon a loan of $128,000, negotiated under an act to authorize a loan for revenue purposes, approved March 1st, 1839. This arrangement was made with the Bank of Illinois, in consequence of the State Bank having refused to pay the warrants of the Auditor drawn in favor of the State House Commissioners, and declining to advance a sum exceeding $40,000 during the year.

Adhering in good faith to the terms of the agreement, the Bank of Illinois has already advanced $80,097. The company, however, from whom the loan was obtained, seem disposed to avoid the payment of the money. A draft of $16,000, (less $200 expenses) payable November 1st, 1839, drawn by me upon them, being the first instalment due upon the loan has been presented for payment at the Atlantic Bank, and protested. This subject has been laid before the Attorney General, and is

now presented for your consideration. The liberal and honorable course pursued by the Bank of Illinois, in furnishing means for the advancement of the State House, prompts me to recommend to you the propriety of your immediately indemnifying her against loss.

The revenue law passed at the last session has been a subject of much animadversion and dissatisfaction, and some of the counties, I regret to say, have resisted it by a refusal to assess their taxable property. Such proceedings should never be resorted to, and cannot be tolerated in a government like ours, where the people elect their own legislators, through whom they can only legitimately redress their grievances. There can be but little doubt of the equity and justice of the principle upon which the law is founded, that each individual should pay a tax in proportion to the value of his property, but its details are justly considered exceptionable, and call for a speedy revision. I would, therefore, recommend this matter to your consideration, and hope some mode will be provided by which its enforcement shall, in all cases, hereafter be insured.

It would have afforded me pleasure to have complied with the wish of a large respectable portion of my fellow-citizens in recommending a reduction of taxes, but the present revenue not being sufficient to defray the ordinary expenses of the State Government, precludes such a recommendation.

The present attitude assumed by the State Bank, since the date of my Proclamation, and the relations which subsist between that institution and the people, individually and collectively, present to your consideration questions of the gravest import. The isolated fact of the suspension of specie payments by the Bank and its branches on a former occasion was deemed of sufficient moment by my esteemed predecessor to justify a special convocation of the General Assembly. At that session an act was passed for the benefit of the Bank, which I have ever regarded as striking a fatal blow at the fundamental law of contracts. It cannot, indeed, be for a moment doubted by the most chimerical, that, if any holder of her bills, had instituted suit for the recovery of their value, the Act itself would have fallen powerless. Its only efficacy, therefore, was found in the relief it extended to the Bank by the preservation of her charter which otherwise would have terminated by the violation of her obligations.

A similar exigency having again presented itself in the affairs of this institution, I deem it my duty to submit to you my views upon this subject more fully than I have heretofore done. It is hardly necessary for me to say, however, that I regard the incorporation of companies for the regulation of the financial operations of the country, at war with the genius of a free government. Where there is no individual responsibility attached to the members of the incorporation, the danger is doubly enhanced for all past experience proves that in such instances personal interest is almost universally paramount to the public weal.

Laying aside all constitutional questions growing out of this subject, it is manifest to my mind that the channels of business should not be filled up and controlled by a circulating medium which is susceptible of contraction and expansion at pleasure. Permanent and fixed laws which dispense their blessings with equal justice will only ensure stability to our free institutions, and guaranty the perpetuation of American Liberty, and how can we expect to reap the advantages of such enactments for the regula-

tion of the currency, if this power, important and vast in itself, is entrusted to the care of an irresponsible corporation, who may have millions in circulation to-day and to-morrow contract their issues, force the payment of debts, and spread gloom and desolation where there was, at least, the semblance of prosperity and happiness. But it may be interposed that as banks have been so extensively established in our country, and are so intimately connected with every department of trade and consequently interwoven with the various relations of social and political life, it would be a suicidal policy to destroy them. Whatever force there may be in this argument to justify their longer continuance, it cannot in any event guaranty permanancy to our monetary affairs or plead, in justification of a suspension of specie payments: it can only be urged, in extenuation of what is claimed to be a necessary evil, so deeply and firmly rooted, that we are told, it cannot be eradicated without destroying the country. Is this possible? Can it be true that we are already under the dominion of monied oligarchies? and that an inflated paper circulating medium is as essential to the support of the government as the heart to the organic system? If so, we stand on a fearful and alarming precipice, erected by error and sanctified by time, from which it is our duty to extricate ourselves as speedily as possible.

The truth is, and it no longer admits of doubt, that the banking system, generally, is radically defective and unsanctioned by any principle of republican virtue. How can the fluctuations, to which the representative wealth of our country is continually subject, be otherwise satisfactorily accounted for. But the evil is not confined to the fundamental errors of the system. Its tendency and practical results leave their impress on the community, individually and collectively. A sudden and unnatural increase of paper currency imparts a fictitious value to property, and engenders a wild and extravagant spirit of speculation. Many are allured by its fascinations from the paths of honest industry in the hope of accumulating wealth by some fortunate enterprise. Facilities being easily obtained, they contract debts which finally overwhelm them in ruin. But at the moment when times become oppressive and they require aid, the banks refuse to extend further accommodations—force the payment of obligations due them, and not unfrequently refuse, at the same time, to redeem their own bills. The State Bank of Illinois, stands in this humiliating relation to the people at the present period, and it remains for you to determine, gentlemen, whether relief shall be extended to her, if any shall be solicited. If she is suffered, biennially, to set at defiance the will of the community—the law of her existence, and every principle of justice and moral honesty, by the suspension of specie payments, what special favors does she merit at your hands, and by what arguments are patriotic sympathies to be awakened in her behalf, or liberal and enlarged provisions enacted which would only tend to diminish accountability and promptitude in the proper discharge of her lawful duties. Had the proposition been submitted to the Legislature which passed its charter, to give the bank the privilege of refusing to redeem her bills on presentation, when the banks of New York, Philadelphia and Baltimore should refuse to redeem theirs, and to resume only on the condition of their resumption, it would have been regarded as too absurd and monstrous to receive a moments consideration. Yet experience proves that such is the tendency and effect of

power, that corporations frequently obtain from subsequent Legislatures, that, which at first would have been denied them. To my mind no exigency can possibly happen to justify the refusal of the bank to pay her obligations at maturity. And a State institution like our own, which, since its establishment, has continually urged her claims upon the Legislature—an institution, the measure of whose endowments and priviliges has been alone limited by her own demands—an institution so powerful in itself and yet so inefficient in extending aid, has few motives to present for the further exercise of legislative relief. Rigid accountability should supercede the indulgence she has heretofore received.

Three years ago the amount of the capital stock of the Bank was augmented by subscription, on the part of the State, to $2,000,000, with the view of affording increased facilities to mercantile operations, and extending aid to the agricultural, and other important interests of the State. How far the ends proposed by that augmentation of its capital, may have been realized on the interests upon which the measure was designed to operate, cannot, with certainty, be ascertained. The important enquiry, however, naturally arises, whether the Bank, with such vast accession to her capital, has extended relief commensurate with her increased means and ability. It has been asserted, (with what truth I leave you to determine,) that instead of confining her operations within the provisions of her charter, and the ordinary functions which properly pertain to a just exercise of her privileges, and furnishing that assistance and aid to the State in the prosecution of her public works, which she in honor and good faith was bound to do, she has engaged in speculating in the staple products of the country, or furnishing the greater part of her capital to a few favourite individuals for this purpose to the exclusion and detriment of the community generally. The deep and abiding solicitude with which this subject is entertained by the people, and the vast interest the State has at stake in the proper management of the Bank, render a rigid and impartial investigation into her condition highly important. If she is innocent, she should with pride and pleasure solicit this investigation. If she is guilty of improper conduct, let her answer the consequences. It would be far better for the State that there should be, at once, a forfeiture of her charter, than that she should go on accumulating power, and yet disregarding her duty and that faith which she should maintain to the public. We indeed laboured in vain in overthrowing the Bank of the United States, if we should now draw to our embrace an institution above responsibility and capable of inflicting within its own sphere a still more deadly sting. I therefore, respectfully recommend that no law be passed to legalize the suspension of specie payment on the part of the Bank, and that you institute a rigid and thorough examination into its condition. As the Bank of Illinois has continued, through all the present financial embarrassments of the country, to redeem her notes, and as Banks in other States have not generally suspended, I cannot divine why the State Bank should close her doors and again plead inability, by the non-payment of her notes, to comply with her existing obligations.

Gentlemen it is unnecessary for me to remind you of the weighty and almost fearful responsibility which the exercise of your functions at this time imposes upon you. The future destiny of the State, for weal or for woe, will depend upon your action. I hope and trust that no motives

but those of the purest and most devoted patriotism will mingle with your deliberations, and that all your measures will be dictated by wisdom and enlightened policy. May you act in such manner as will meet the approbation of the people and your own consciences, and may the blessings of heaven crown your exertions with success and render the people prosperous and happy.

THOS. CARLIN.

Springfield, Dec. 10, 1839.

Which being read,

Mr. English moved to lay it on the table, and print ten thousand copies for the use of the House.

Mr. Ficklin moved to amend said motion by substituting twenty thousand.

Mr. Logan moved the printing of five thousand copies.

Mr. Walker of Vermilion, moved the printing of ten thousand.

The vote being taken on printing twenty thousand copies,

It was decided in the negative.

The motion to print fifteen thousand, was also decided in the negative.

The ayes and noes being called for by Mr. Dawson, and Mr. Dubois, on printing ten thousand copies,

It was decided in the affirmative, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Aldrich, Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Carpenter, Churchill, Cloud, Copland, Craig, Crain, Cunningham, Daley, Edmonson, English, Ficklin, Fisk, Foster, Green of Greene, Gouge, Hankins, Happy, Harlan, Harris, Henry, Houston, Huey, Kercheval, Love, Maus, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Naper, Roman, Simms, Robert Smith, Stapp, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Zimmerman, and Mr. Speaker—46.

Those who voted in the negative, are,

Messrs. Baker, Bowman, Brown, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Hardin, Henderson, Holmes, Hull, Jarrott, Johnson, Jones, Lincoln, Logan, Lyons, Marshall, McCormick, McCutchen, McMillan, Menard, Murphy of Vermilion, Nance, Otwell, Pace, Phillips, Rawalt, Read, Roberts, George Smith, Starr, Thomas of McLean, Webb, Williams, Williamson, and Wood—40.

The Speaker laid before the House a communication in writing, from the President of the State Bank of Illinois; which being read, was,

On motion of Mr. Dawson,

Laid on the table, and one hundred and fifty copies thereof ordered to be printed for the use of the House.

The House adjourned until to-morrow morning, at 10 o'clock.

THURSDAY, DECEMBER 12, 1839.

House met pursuant to adjournment.

Mr. Churchill presented the petition of sundry citizens of DeKalb county, praying for the survey and location of a State road therein named, and on his motion the reading of which was dispensed with, and the same referred to the committee on State Roads.

Mr. Stapp presented the petition of sundry citizens of Knox county, praying the re-location of a State road therein named, and on his motion the reading of which was dispensed with, and the same referred to a select committee.

Ordered, That Messrs. Stapp, Harlan, and Aldrich be that committee.

Mr. McWilliams presented the petition of sundry citizens of Pike county praying for a review of that part of the State road leading from Gilead to Rushville, lying between Goodens and Griggsville, in Pike county: the reading of which on his motion was dispensed with, and the same referred to the committee on State Roads.

The Speaker laid before the House a communication from Richard Kerr which was read, as follows:

To the Honorable SPEAKER
of the House of Representatives.

I would respectfully inform you, and through you the House of Representatives, that I am now in attendance, and claim my seat as a member of the House from Pike County. I understand that another person is occupying my seat, and as I believe I am alone entitled to it, I ask the speedy action of the House on the subject.

Respectfully yours,
RICHARD KERR.

The foregoing communication was,

On motion of Mr. Hardin referred to the committee on Elections.

Mr. Hankins presented the petition of sundry citizens of Fayette county, praying for a change of venue in the case of the People, vs. A. Gikoski: the reading of which, on his motion was dispensed with and the same referred to a select committee of five.

Ordered, That Messrs. Hankins, Ficklin, Williamson, Huey, and Fisk, be that Committee.

Mr. Hardin presented the petition of sundry citizens of Scott County, to vacate part of a State road in Scott county, the reading of which was on his motion dispensed with, and the same referred to a select committee.

Ordered, That Messrs. Hardin, Holmes, and Allen of Greene, be that committee.

On motion of Mr. Murphy of Vermilion,

Resolved, That in conformity with the recommendation of the Governor in his late message to this House, a joint select committee of seven on the part of the House and five on the part of the Senate, be appointed to examine into the official acts and doings of the Board of Public Works, including all of their books, papers, vouchers, and correspondence, with power to send for persons and papers.

Mr. Churchill moved to amend by inserting after the word correspondence "and especially of the disposition of their contingent expenses."

The resolution as amended was adopted.

Ordered, That Messrs. Murphy of Vermilion, Churchill, Craig, Rawalt, Cloud, Robert Smith, and Edwards be the committee, on the part of the House.

On motion of Mr. Baker,

Resolved, That the Governor be respectfully requested to communicate to this House the following information:

1. The names of all the agents, commissioners, or officers employed or selected by him to borrow money, sell State bonds or in any otherwise to procure funds for the use of the State, likewise the names of all persons employed to transmit bonds, drafts, checks, or to perform any other duties connected with procuring or transmitting money or bonds.

2. The powers and instructions of all such agents, officers, and commissioners.

3. The nature and amount of their compensation, when, where, by whom, and how paid.

On motion of Mr. Hardin.

Resolved, That the Fund Commissioners be instructed to report to this House, copies of all contracts, respecting sales of State bonds, made by them since the adjournment of the Legislature in March last.

Also, whether any alterations have been made in said contracts, and if so, what those alterations are.

Also, if there is any contract, or part of any of the contracts not reduced to writing, what said contracts or those parts of said contracts are.

Mr. Murphy of Perry, moved to amend the resolution by striking out the word "instructed" and insert the word "requested" which was not agreed to.

On motion of Mr. Hardin, it was then amended by striking out "instructed" and inserting "directed."

The resolution as amended, was then agreed to.

On motion of Mr. Stapp,

Resolved, That the Committee on Finance, be instructed to enquire whether any county or counties in this State, have failed or refused to levy and collect a tax, in conformity to the fifteenth section of the "Act entitled an act concerning the public revenue," and if so, that they report a bill for the purpose of enforcing the assessment and collection of the same.

On motion of Mr. Murphy of Perry,

Resolved, That so much of the Governor's message as relates to the Internal Improvement system, be referred to the committee on Internal Improvements.

And so much as relates to the school fund be referred to the committee on education.

On motion of Mr. Hankins,

Resolved, That the committee on Finance be instructed to enquire into the propriety, and necessity of amending the revenue laws, so as to require all pedlars of merchandize, of any kind or description whatever, to take out and pay for licenses.

On motion of Mr. Stapp,

Resolved, That the committee on Finance, be instructed to enquire

whether or not the Shawneetown Bank has suspended specie payment, and that they have the power to send for persons and papers, and report by bill or otherwise.

On motion of Mr. Ficklin,

Resolved by the House of Representatives, That the Commissioners of the Board of Public Works be requested to lay before this House, at as early a period as practicable, a detailed statement of the expenditures upon each rail road in the State, the number of Engineers in the employment of the State, on the first day of May, 1839. And the number now in the employment of the State, together with the amount of compensation received by each. And also a tabular statement of all monies paid to officers belonging to, or connected with the system of Internal Improvements. And also, a statement of all monies paid to contractors and hands, for work and labour actually done upon the public works of this State. And also their opinions as to the probable cost of all the works contemplated by the several laws relative to Internal Improvements.

Mr. Happy moved to amend by adding after the word Engineers, "and agents," the resolution as amended was adopted.

Mr. Edwards moved for adoption the following resolutions,

Resolved, That to preserve the independent exercise of legislation, it is unconstitutional, and contrary to the spirit and genius of our institutions, to hold any member of the Legislature responsible, except to his constituents and the people, for the support of any measure or law, whether public or private, proposed in either branch of the General Assembly.

Resolved, That the assent or support of any law, ought not to operate to the prejudice of any member of the Legislature, in any suit to which he is a party, in any of the courts of this State, and more especially if such law is unconstitutional; which,

Mr. Henry moved to refer to the committee on the Judiciary, which was not agreed to.

Mr. Walker of Vermilion moved their reference to a select committee of ten.

Mr. Marshall moved to lay them on the table till the fourth day of July.

Mr. Daley moved to lay them on the table.

On the last motion, Mr. Edwards and Mr. Lincoln called for the ayes and noes.

On motion of Mr. Walker of Vermilion,

The question was decided so as to take the vote on each resolution separately, and on the vote being taken on laying the first resolution on the table,

It was decided in the negative, by ayes and noes as follows:

Those voting in the affirmative, are,

Messrs. Able, Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Bowman, Brown, Carpenter, Churchill, Cloud, Copland, Crain, Cunningham, Daley, Dunn, Ficklin, Fisk, Foster, Gouge, Hankins, Harris, Houston, Huey, Hull, Kercheval, Love, Marshall, Maus, McCutchen, Moore, Morgan, Murphy of Perry, Nance, Naper, Pace, Read, Simms, Thomas of St. Clair, and Zimmerman—39.

Those voting in the Negative, are,

Messrs. Aldrich, Baker, Craig, Dawson, Dubois, Edmonson, Edwards,

Elkin, Emmerson, English, Green of Greene, Happy, Hardin, Harlan, Henderson, Henry, Holmes, Jarrott, Johnson, Jones, Lincoln, Logan, Mc Cormick, McMillan, McWilliams, Menard, Murphy of Cook, Murphy of Vermilion, Otwell, Phillips, Rawalt, Roberts, Roman, George Smith, Robert Smith, Stapp, Starr, Thomas of McLean, Walker of Fulton, Walker of Vermilion, Webb, Williams, Williamson, and Mr. Speaker —44.

On the question being taken to lay the second resolution on the table,

It was decided in the affirmative.

Mr. Williams moved to strike out the word "unconstitutional," in the first resolution which was agreed to, when the resolution as amended passed.

Mr. Stapp moved for adoption the following preamble and resolutions:

Whereas, The people of the State of Illinois, view with just indignation and alarm the extravagant and reckless manner, in which many millions of their money have been expended, without any prospect whatever, or receiving the least possible benefits in return, either at the present time or prospectively:

And whereas, they view with still greater alarm the millions of dollars which are being daily borrowed on the faith and credit of the State, and for the payment of which the farms or property of every individual in the State is mortgaged, the interest on the loans already made becoming due, and payable before the money is received by the State, and for the payment of which interest there is scarcely a provision, unless it be paid out of the principle now borrowed:

And whereas, the present rate of taxation is considered, and indeed is high and oppressive when compared with the amount of taxes levied by other States for the defraying the ordinary expenses thereof:

And whereas, to increase the present high rate of taxation for any purpose whatever, would be oppressive and intolerable:

And whereas, the wants of the State unequivocally demand the increase of the tax to the present amount, without any reference whatever to the Internal Improvement system:

And whereas, It is the opinion of this General Assembly, that the present mis-named system of *Internal Improvements* was palmed upon the people without their consent or knowledge:

And whereas, In order to keep up the system, and more effectually to clinch it upon them, a true exposition of the facts in relation to the benefits and final completion has hitherto been refused by the friends and supporters of the system, but on the contrary every exertion has been used, and every engine that could be brought to bear has been played and with partial success, to induce the people to believe:

1. That the cost of the system of Internal Improvements when first projected, would not exceed $8,000,000 to complete every part and parcel thereof.

2. That the beauty of this great scheme was, that we were to have railroads to every corner of the State, and the people not to be taxed one cent for the cost of the same.

3. That the tendency of this system would be to build up commercial cities in various portions of our State, indeed at the commencement, termination, and interlocation of every railroad, (which are numberless,) there were to be great and flourishing cities.

4. That the dividends on bank stocks, the rents and profits to be received from Hidraulic power, premium on State Bonds, and tolls to be received from railroads, &c. &c., would not only pay the interest on any and all sums made for the final completion of the system; but that various sources of revenue above mentioned, (which existed only in the imagination of a few designing politicians, or from selfish and pecuniary considerations,) would also produce a revenue sufficient to defray the ordinary expenses of the State Government, and eventually in a very few years reproduce the annihilated School Fund.

5. That the real property of the whole country would be enhanced in value at least fifty per cent. per annum: therefore,

Resolved, By the people of the State of Illinois, represented in the General Assembly, that we have seen in less than three years from the adoption of the system of Internal Improvement, the cost of completion has increased in the conception of the warmest supporters at least seventy-five per cent.; and that instead of railroads to every corner of the State, we have nothing but deep cuts and high embankments, in many instances stopping up entirely the public highways leading from one neighborhood to another, and the prospect of increased taxation.

That instead of great and flourishing cities, the energies of the people have been entirely destroyed by the fearful picture ahead.

That instead of rents and profits from Hidraulic power, we have patches of work done on every railroad in the State, which must and would inevitably decay before the system could possibly be completed under the most efficient management possible; that instead of premiums on State Bonds we have the shameful prospect, that if our bonds are disposed of at all the people must be shaved out of $10 on every hundred, which would make the enormous shave on $4,000,000 Bonds amount to the sum of $400,000 besides the interest being paid before the money is received; that instead of a revenue for the ordinary expenses of the State Government, we have annually a large deficit; and that instead of a debt of only $8,000,000 at the completion of the works we have now heaped upon us, a debt of more than $11,000,000 and the system but just commenced; and that we most honestly believe that if the system is attempted to be completed, ruin and desolation, and a debt of at least $40,000,000 will be the result.

Resolved, That the committee on Internal Improvements be instructed to report a bill to this House, repealing the law establishing and maintaining a general system of Internal Improvements, and that they incorporate in said bill such other provisions for dismissing the officers of that system now under the pay of the State; and also to make such provisions as will best secure the interests of the State in the works already commenced, and that they report by bill.

Mr. Robert Smith moved to lay the foregoing preamble and resolution on the table.

Mr. Stapp and Mr. Henry called for the ayes and noes, on the motion to lay the bill on the table, which resulted as follows:

Those who voted to lay on the table, are,

Messrs. Able, Aldrich, Allen of Franklin, Bainbridge, Churchill, Craig, Crain, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Emmerson, Ficklin, Foster, Gouge, Hankins, Henderson, Huey, Hull, Kercheval, Lincoln, Logan, Love, Lyon, Marshall, Maus, McCormick, McCutchen, Mc

Millan, Moore, Murphy of Perry, Nance, Naper, Otwell, Rawalt, Roberts, Robert Smith, Thomas of McLean, Walker of Vermilion, Williamson, Wood, Zimmerman, and Mr. Speaker—43

Those who voted in the negative, are,

Messrs. Alexander, Allen of Greene, Baker, Bowman, Brown, Cloud, Copland, Daley, Edmonson, English, Fisk, Green of Greene, Happy, Hardin, Harlan, Harris, Henry, Holmes, Houston, Jarrott, Johnson, Jones, McMillan, McWilliams, Menard, Morgan, Murphy of Cook, Murphy of Vermilion, Pace, Phillips, Read, Roman, Simms, George Smith, Stapp, Starr, Thomas of St. Clair, Walker of Fulton, Webb and Williams—40.

The preamble and resolutions were laid on the table.

On motion of Mr. Murphy of Cook,

Resolved, That the Board of Canal Commissioners be required to furnish to this House a statement, showing as nearly as they are able, the liabilities to be paid by the State, in case of the suspension of operations on the Illinois and Michigan Canal, namely: the amount of back money due to the contractors for work already performed, the amount to which they may be entitled for scaling, the full cost of machinery, houses and other improvements, which they have incurred, and the amount of damages to which they would be entitled, together with any other incidental charges against the State in the event of such suspension.

Mr. Moore offered the following resolution:

Resolved, That so much of the Governor's Message as relates to the Illinois and Michigan Canal be referred to the committee on Canals and canal lands.

Mr. Murphy of Vermilion moved to amend the above resolution, by striking out all after the word resolved, and inserting the following:

"That so much of the Governor's Message as relates to the present revenue law, be referred to the committee on Finance, and so much as relates to the Illinois and Michigan Canal and the sale of the canal lands be referred to the committee on Canals and canal lands, and so much as relates to the State Bank of Illinois," be referred to the select committee appointed to investigate said Bank: which amendment being accepted the resolution was adopted.

On motion of Mr. Bowman,

The following resolutions were adopted.

Resolved by the House of Representatives, The Senate concurring herein that our Senators in Congress be instructed and our Representatives requested to use their best exertions to procure a donation to the States of Indiana and Illinois, of six hundred thousand acres of the public lands remaining unsold, and lying within said States, the proceeds of which shall constitute a joint fund, to be applied to the improvement of the Great Wabash river.

Resolved, That the Governor of the State be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

House adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Murphy of Cook, asked and obtained leave to introduce a bill en-

titled "An act for the relief of Lake county;" which was read the first time, and

Ordered to a second reading.

On motion of Mr. Murphy of Cook,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Naper asked and obtained leave to introduce a bill for "An act to legalize the assessment of taxes for the county of Du Page;" which was read the first time, and

Ordered to a second reading.

On motion of Mr. Naper,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. McWilliams asked and obtained leave to introduce a bill for "An act entitled an act, to provide for certain improvements in Pike county;" which was read the first time, and

Ordered to a second reading.

On motion of Mr. McWilliams,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Robert Smith asked and obtained leave to introduce a bill for "An act to authorize limited partnerships;" which was read the first time, and

Ordered to a second reading.

On motion of Robert Smith,

The rule of the House was dispensed with, and the bill read a second time by its title, and

On motion of Robert Smith,

The bill was referred to a select committee of nine.

Ordered, That Messrs. Robert Smith, Murphy of Vermilion, Bowman, Marshall, Bainbridge, Jarrott, Stapp, Kercheval and Aldrich be that committee.

Mr. Allen of Franklin asked and obtained leave to introduce a bill for "An act to amend an act establishing the county of Williamson, approved February the 28th, 1839;" which was read the first time, and

Ordered to a second reading.

On motion of Mr. Allen of Franklin,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Craig asked and obtained leave to introduce a bill for "An act supplemental to the act incorporating the Seminaries of learning therein named;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Craig,

The rule of the House was dispensed with, and the bill read a second time by its title, and

On motion of Mr. Craig,

Was referred to the Committee on Education.

Mr. Daley asked and obtained leave to introduce a bill for "An act to amend an act, to create and establish the county of Jersey;" which was read the first time, and

Ordered to a second reading.

On motion of Mr. Allen of Greene,

The rule of the House was dispensed with, and the bill read a second time by its title, and

On motion of Mr. English,

Was referred to a select committee.

Ordered, That Messrs. English, Allen of Greene and Daley be that committee.

Mr. Craig asked and obtained leave to introduce a bill for "An act to locate a State road from Ottawa by Belvidere, to the State line in the direction of Belvit's;" which was read the first time, and

Ordered to a second reading.

On motion of Mr. Craig,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

On motion of Mr. McCutchen,

Resolved, That the Board of Public Works be requested to furnish to this House, at as early a period as practicable, information as to the probable amount of money which may be necessary over and above the present liability of the State, for work done, to complete and put in operation all such work as has been contracted in continuous lines, from navigable rivers in this State.

On motion of Mr. Walker of Vermilion,

Resolved, That the Governor, Lieutenant Governor and Judges of the Supreme Gourt, be requested to accept of seats within the bar of this House.

On motion of Mr. Happy,

Resolved, That the committee on Internal Improvements be instructed to enquire into the expediency of reporting a bill, providing for the re-organization of the Board of Public Works, so as to consist only of one member.

Mr. Stapp moved to amend by adding "and to enquire into the expediency of repealing the law establishing the Board of Fund Commissioners."

The resolution as amended was adopted.

Mr. Ficklin offered for adoption the following resolution; which was not agreed to.

Resolved by the House of Representatives, That the committee on Canals and Canal Lands, enquire into the propriety of having the canal lands valued by the Canal Commissioners, and exposed to sale at public vendue; the purchase money to be paid in ten equal annual instalments, with twelve per cent. interest upon the purchase money from the date of the sale, and all lands upon which the amount of the valuation money shall not be bid to be struck off to the State.

The House then adjourned.

FRIDAY, December 13, 1839.

House met pursuant to adjournment.

Mr. Green, a representative from the county of Clay, appeared and took his seat.

Mr. Gouge presented the petition of sundry citizens of Macon county, asking for a review and location of a State road therein named; the reading of which was on his motion dispensed with, and the same referred to the committee on State Roads.

Mr. Robert Smith presented the petition of sundry citizens of Madison and St. Clair counties, praying the repeal of the act incorporating the northern division of the American bottom; the reading of which was on his motion dispensed with, and the same referred to a select committee.

Ordered, That Messrs. Robert Smith, Morgan and Menard be that committee.

Mr. Hankins presented the petition of sundry citizens of Effingham county, praying for an act to authorize H. B. Brockett to continue his mill-dam across Little Wabash river; the reading of which was on his motion dispensed with, and referred to a select committee.

Ordered, That Messrs. Hankins, Green of Clay, and Simms be that committee.

Mr. McCutchen presented the petition of Benjamin V. Zeal and others, for the incorporation of a manufacturing company in Schuyler county; which was read, and

On motion of Mr. McCutchen,

It was referred to a select committee.

Ordered, That Messrs. McCutchen, Williams, and Crain be that committee.

Mr. Dubois presented the petition of certain citizens of Lawrence county, for the benefit of Mr. W. R. Cunningham; the reading of which was on his motion dispensed with, and the same referred to a select committee.

Ordered, That Messrs. Dubois, Ficklin, and Alexander be that committee.

Mr. Daley from the select committee to which had been referred a bill for "An act, authorizing the School Commissioners of Greene county, to sell a section of land therein named;" reported the same back with an amendment; which was concurred in, and

Ordered to be engrossed for a third reading.

Mr. Robert Smith presented the petition of William Johnson, praying relief in relation to his free papers; which was read and referred to the committee on Judiciary.

Mr. Hardin from the select committee to which had been referred the petition of sundry citizens of Scott county;" reported a bill for "An act to vacate a part of a State road in Scott county;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Hardin,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

On motion of Mr. George Smith,

Resolved by the House of Representatives, the Senate concurring herein, That there shall be elected at the present session of the General Assembly, three competent persons well skilled in the laws, to revise and condense all laws of a general nature of this State, that shall be in force at the end of the present session of the General Assembly, and that they be required to lay the same before the next General Assembly, accompanied with a full and perfect index thereto.

On motion of Mr. Walker of Vermilion,

Resolved, That the commissioners of the Illinois and Michigan canal be directed to report to this House, the entire amount of money by them disbursed since the commencement of operations on said canal, under the head of contingent expenses, particularizing in said report each item of said disbursement, and the particular object to which each payment was made with the date of such payment.

Mr. Daley moved the following resolution for adoption, viz:

Resolved, That the committee on Elections be directed not to report to this House on the contested seat from Pike county, until all the important testimony shall be heard desired by either party, and that a reasonable time be given for both parties to procure their witnesses.

Mr. Hardin moved to amend the resolution by striking out all after the word "Resolved," and inserting in lieu thereof the following:

"That the committee on Elections be required to report the facts which may have come to their knowledge, in the investigation of the claim of Richard Kerr to his seat as a member of this House, so as to enable this House to decide whether it is necessary to postpone the final decision of Mr. Kerr's claim to his seat; which amendment was agreed to.

The resolution as amended was adopted.

On motion of Mr. Bowman,

Resolved, That the Board of Commissioners of Public Works, be requested to communicate to this House the terms and conditions of the compact or agreement entered into between the said board and the Board of Internal Improvements of the State of Indiana, as authorized and directed by the 18th section of the act to establish and maintain a general system of Internal Improvements.

On motion of Mr. Happy,

Resolved, That the committee on Finance be instructed to report a bill to this House, so amending the revenue law, as to make it bear equally upon all merchants.

On motion of Mr. Thomas of McLean,

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of so amending the 6th section of the "act concerning taverns and grocery license;" approved March 2, 1839, as to permit any person without license, to vend spirituous liquors in quantities of not less than one quart, instead of one gallon, as now required by law.

On motion of Mr. Happy,

Resolved, That the committee on Internal Improvements be instructed to report a bill to this House, so amending the law providing for a general system of Internal Improvement, as to provide for the construction of not more than one road.

Mr. Johnson moved to amend the resolution by adding: "and that it be referred to the vote of the people at the next general election, whether that road be made, which amendment was

On motion of Mr. Marshall,

Laid upon the table.

Mr. Marshall moved to lay the resolution on the table; which was decided in the affirmative by yeas and nays, upon the call of Messrs. Happy and Churchill, as follows, to-wit:

Those who voted in the affirmative, are,

Messrs. Able, Aldrich, Allen of Franklin, Bainbridge, Bowman, Brown, Churchill, Craig, Crain, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Emmerson, Ficklin, Foster, Green of Clay, Gouge, Henderson, Huey, Hull, Kercheval, Lincoln, Logan, Marshall, Maus, McCormick, McMillan, Moore, Murphy of Cook, Murphy of Perry, Naper, Otwell, George Smith, Robert Smith, Thomas of McLean, Walker of Fulton, Walker of Vermilion, Williamson, Wood, and Zimmerman—44.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Greene, Baker, Carpenter, Cloud, Copland, Daley, Edmonson, Elliott, English, Fisk, Green of Greene, Hankins, Happy, Hardin, Harlan, Harris, Henry, Holmes, Houston, Jarrott, Johnson, Jones, Love, Lyons, McCutchen, McWilliams, Menard, Morgan, Murphy of Vermilion, Nance, Pace, Phillips, Rawalt, Read, Roman, Simms, Stapp, Starr, Thomas of St. Clair, Webb, and Mr. Speaker—42.

Mr. Dawson moved for adoption the following preamble and resolution:

Whereas, The public mind appears to have undergone an entire change on the subject of Internal Improvements of the State; and whereas, it is the imperative duty of the representative to obey the will of his constituents, when fairly understood. Therefore,

Be it resolved by the House of Representatives, the Senate concurring herein, That a joint select committee be appointed of six on the part of the House, and three on the part of the Senate, to draft and report a bill on the following principles. Both branches, after the passage of the law, to meet in the Hall of the House of Representatives, and then and there vote for their respective roads. The road receiving the greatest number of votes to be in the first class and first made. The road receiving the next largest vote, to be the second class and second made, and so on through, until all be classed, and provide that the faith of the State be pledged in due time, to carry out all of said system, as the resources of the State will admit; which,

On motion of Mr. Henderson,

Was referred to the committee of the whole House, and made the special order of the day for Monday next.

Mr. Murphy of Cook moved for adoption the following resolution, viz:

Resolved, That the committee on Internal Improvements be instructed to prepare and report to this House, a bill providing for the suspension until the first day of March, 1841, of all the public works commenced in this State, under an act entitled "An act to construct and maintain a general system of Internal Improvements." And also for the preservation as far as possible of the property of the State procured under said act.

Mr. Churchill moved to amend the resolution by inserting after "works" the words, "together with the State House;" which was not agreed to.

Mr. Dubois moved to amend the resolution by inserting after "works" the words "excepting the works on the large rivers."

On motion of Mr. Henderson,

The resolution and amendment were committed to the same committee of the Whole, to which was committed the preamble and resolution offered by Mr. Dawson on this day, touching the same subject.

On motion of Mr. Ficklin,

Resolved by the House of Representatives, That the Fund Commissioners of the State of Illinois, be requested to lay before this House at an early day, a tabular statement of all monies received by said commissioners since the adjournment of the Legislature in March last. What amount of money has been deposited by them in banks, and to whose credit, whether to the credit of the State, of the Fund Commissioners, or of their friends or agents; and if any money obtained upon State bonds, has been deposited to the credit of any private individual, who is not the accredited officer of the State, and also the amount of money used by the Fund Commissioners, as travelling, contingent or other expenses, and the amount of funds belonging to the State, retained by them for defraying said expenses, and for their salary or compensation since the adjournment of the Legislature as aforesaid. And also, the amount of any charge or charges they may have made against the State for office rent, for conveying bonds to Europe or elsewhere, or for any other purpose whatsoever.

On motion of Mr. Bowman,

Resolved, That the commissioner of Public Works for the fourth Judicial Circuit, communicate to this House an exhibit of the amount of money expended by him upon the improvements of the Grand Rapids of the Great Wabash river; and also a report of the progress and condition of said work, and the probable amount it will cost to complete the same; when,

On motion,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. McMillan,

Resolved by the House of Representatives, That the committee on the Judiciary be instructed to enquire into the expediency of allowing the counties of Edgar, Coles, and Vermilion, to hold an extra term of their Circuit Courts, and report by bill or otherwise.

Mr. Marshall asked and obtained leave to introduce a bill for "An act to regulate the mode of proceeding in the redemption of real estate;" which was read the first time, and

Ordered to a second reading.

On motion of Mr. Marshall,

The rule of the House was dispensed with, and the bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Murphy of Cook asked and obtained leave to introduce a bill for "An act to establish a State road in the counties of Cook and Lake;" which was read the first time, and

Ordered to a second reading.

On motion of Mr. Murphy of Cook,

The rule of the House was dispensed with, and the bill was read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. George Smith asked and obtained leave to introduce a bill for "An act to amend an act entitled 'An act, to amend an act for the relief of the poor,' approved February 21, 1839;" which was read the first time, and

Ordered to a second reading.

On motion of Mr. George Smith,

The rule of the House was dispensed with, and the bill read a second time by its title, and referred to the committee on Finance.

Mr. Roman asked and obtained leave to introduce a bill for "An act relating to the State Bank of Illinois;" which was read the first time, and

Ordered to a second reading.

Mr. Roman moved that the rule of the House be dispensed with, and the bill be read a second time by its title; which was not agreed to.

Mr. Menard asked and obtained leave to introduce a bill for "An act to amend an act entitled 'An act, to increase the corporate powers of the town of Chester;"' which was read, and

Ordered to a second reading.

On motion of Mr. Menard,

The rule of the House was dispensed with, and said bill was read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Johnson asked and obtained leave to introduce a bill for "An act concerning attachments;" which was read, and

Ordered to a second reading.

On motion of Mr. Johnson,

The rule of the House was dispensed with, and said bill read a second time by its title, and on his further motion was referred to the committee on the Judiciary.

Mr. Stapp asked and obtained leave to introduce a bill for "An act to legalize the survey and re-location of part of a State road therein named;" which was read, and

Ordered to a second reading.

On motion of Mr. Stapp,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Carpenter from the committee on Elections to whom was referred the communication of Richard Kerr, claiming his seat as a member of this House, report, that they have had the matter under consideration, and from the testimony submitted to them, have ascertained the following to be the facts in the case. That Mr. Kerr owns a large farm and stock in Pike county, worth at least $10,000; that during last spring he made a verbal contract with the Indian Agent of the Sacs and Foxes, to open a farm for the Indians in Iowa Territory; that he also sold a parcel of stock

to the Agent, for the use of the Indian Agency; that in July last, he went over to Iowa with his wife and daughter and adopted son, taking with him about $150 worth of bedding, his bridle and saddle, and no other property; that it was necessary for him to take over the bedding for the use of the hands which he had employed to open said farm, and he was compelled to have his wife or some other female to aid in cooking for the hands employed by him; that his contract was to continue in force until the first day of April, 1840; and there was to be a reservation of six weeks for him to return home to Pike, in the fall of this year.

That in November last, he was on his road from Iowa to Pike county, and first heard of the call of the Legislature on his road; that he left his wife and daughter in Iowa, because of their ill health and inability to return with him, and that he brought back with him another daughter; that there is a competent man now acting for him at the agency in opening the farm, who receives the same pay during his absence, which he was to receive, and that he never had removed from Pike county with the intention of changing his permanent residence, or loosing his right of citizenship in that county; that this was generally understood amongst his neighbors and the citizens of said county, and that before he left, he had informed several of the citizens of said county, that if the Legislature was called together, he intended to attend the meeting of that body, to take his seat.

Mr. Kerr, as was in evidence, was appointed on the first of July last; (just as he was about going on the business referred to,) Treasurer of the Board of Trustees for the township in which he resides, and that he still holds that office, and that no efforts nor pretence has been set up to deprive him of said office.

It was also in evidence before the committee, that previous to the clerk of the county court, notifying the Governor that there was a vacancy in said county, no person seemed to have thought of any vacancy, and no one was heard by the witness to remark that Mr. Kerr had removed from the county permanently, or had lost his right to his seat in this House, and during his absence in the summer and fall, his farm was partly carried on for his benefit, and at his expense by his son-in-law; that he never sold any of his land or personal property, or offered to sell any part of either on account of his employment in Iowa.

Mr. Love stated that he wanted the testimony of a Mr. Hanson, who left Springfield on yesterday morning for Coles county, by whom he stated he expected to prove that Mr. Kerr had in his presence on his way from Iowa, spoken of his farm in Pike county as his former residence.

Two witnesses were then examined before the committee, who stated they had conversed with Mr. Hanson, and one of them at the request, and in the presence of Mr. Love, and they understood him to say, that he heard Mr. Kerr make statements similar to those above set forth by the committee; but they did not understand him as Mr. Love states. He farther stated to the witness, that his testimony was wholly immaterial, and that he should return home, as he could do neither of them any good in this matter.

It appears from the returns in the office of the Secretary of State, that at the election held in November last, under the order of the Governor, that Oscar Love received only 206 votes, and only 22 scattering votes

were given. It appears also, that Pike county has at former elections given upwards of 1600 votes, and it is now thought to contain 2,000 votes; that the citizens of the county generally refused, or neglected to vote, believing there was no vacancy; and that at three precincts no election was held on this account, as the witnesses were informed; and that both of the political parties in said county have been heard to state, that Mr. Kerr was entitled to his seat.

Your committee submit the foregoing facts for the consideration of this House, and ask to be discharged from the further consideration of the subject.

Mr. Murphy of Vermilion moved for adoption the following resolution, viz:

Resolved, That Richard Kerr is entitled to his seat as a member of the present House of Representatives.

Mr. Walker of Vermilion moved to amend the resolution by striking out all after the word resolved, and insert the following:

"That the action of this House be not had on the subject of the contested seat from Pike county, until the evidence of G. M. Hanson can be had according to the affidavit of Mr. Love herewith presented."

Mr. Lincoln moved to amend the amendment by adding, "and that until this contest be determined, neither of the contesting parties be entitled to a seat in this House;" which was agreed to.

On motion of Mr. Happy,

The House adjourned.

SATURDAY, December 14, 1839.

House met pursuant to adjournment.

The case of the contested seat from Pike county coming up for consideration, on the resolution offered yesterday by Mr. Murphy of Vermilion, and the amendments thereto offered by Mr. Walker of Vermilion, and Mr. Lincoln.

Mr. English moved to lay the resolution and amendments on the table.

Mr. Stapp demanded a division of the question so as to take the votes on the resolution, and proposed amendments separately, and the vote being taken by ayes and noes, on the motion to lay the original resolution on the table was decided in the negative as follows:

Those voting in the affirmative, are,

Messrs. Able, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Carpenter, Churchill, Cloud, Copland, Crain, Cunningham, Daley, Edmonson, English, Fisk, Foster, Green of Greene, Green of Clay, Gouge, Hankins, Happy, Harris, Huey, Kercheval, Logan, Maus, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Roman, Simms, Robert Smith, Thomas of St. Clair, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—42.

Those who voted in the negative, are,

Messrs. Aldrich, Alexander, Baker, Bowman, Craig, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Hardin, Harlan, Henderson, Henry, Holmes, Houston, Hull, Jarrott, Johnson, Jones, Lincoln, Lyons,

Marshal, McCormick. McCutchen, McMillan, Menard, Murphy of Vermilion, Otwell, Phillips, Rawalt, Read, Roberts, George Smith, Stapp, Starr, Thomas of McLean, Walker of Fulton, Webb, and Williams—42.

At his request Mr. Love was excused from voting.

The vote being taken on laying the amendment offered by Mr. Walker of Vermilion on the table, was decided in the negative by ayes and noes, as follows, viz:

Those voting in the affirmative, are,

Messrs. Alexander, Baker, Bowman, Craig, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Hardin, Harlan, Henry, Holmes, Houston, Hull, Jarrott, Johnson, Jones, Lincoln, Lyons, Marshall, McCormick, McCutchen, Menard, Murphy of Vermilion, Otwell, Phillips, Rawalt, Read, Roberts, George Smith, Stapp, Starr, Thomas of McLean, Webb, and Williams—38.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Carpenter, Churchill, Cloud, Copland, Crain, Cunningham, Daley, Edmonson, English, Ficklin, Fisk, Foster, Green of Clay, Green of Greene, Gouge, Hankins, Happy, Harris, Henderson, Huey, Kercheval, Logan, Maus, McMillan, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Roman, Simms, Robert Smith, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—47.

The vote being taken on the question to lay on the table the amendment proposed by Mr. Lincoln, it was decided in the affirmative by ayes and noes, as follows:

Those voting in the affirmative, are,

Messrs. Able, Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Carpenter, Churchill, Cloud, Copland, Crain, Cunningham, Daley, Edmonson, English, Ficklin, Fisk, Foster, Green of Clay, Green of Greene Gouge, Happy, Harris, Houston, Huey, Kircheval, Logan, Maus, Mc Williams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Roman, Simms, Robert Smith, Thomas of St. Clair, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Aldrich, Baker, Bowman, Craig, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Hankins, Hardin, Harlan, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Lincoln, Lyons, Marshall, McCormick, McCutchen, McMillan, Menard, Murphy of Vermilion, Otwell, Phillips, Rawalt, Read, Roberts, George Smith, Stapp, Starr, Thomas of McLean, Walker of Fulton, Webb, and Williams—41.

Mr. Webb asked for the unanimous consent of the House to take up the Governor's Message, which being granted, five hundred copies of the documents accompanying said message, were ordered to be printed.

When the House adjourned.

MONDAY, December 16, 1839.

House met pursuant to adjournment.

Daniel Turney the member elected to fill the vacancy in the county of Wayne, appeared, was qualified, and took his seat.

Mr. Archer, the representative from the county of Black, appeared and took his seat.

The case of the contested seat from Pike county, again coming up for consideration, Mr. Hardin asked for the unanimous consent of the House to lay the resolution and proposed amendment on the table, which was not agreed to.

Mr. Otwell demanded a call of the House, which being had, was after some time, on motion dispensed with.

Mr. Webb moved to amend the amendment to the resolution by striking out all after the word "that," and inserting the following:

Richard Kerr, who was elected and took his seat as a member of this House, from the county of Pike, is entitled to his seat until it be shown that the same has been vacated.

Mr. English moved to lay the resolution and amendments on the table till the fourth day of July next; when on motion,

The House adjourned till three o'clock, P. M.

THREE O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Crain from the committee on engrossed bills, reported as correctly engrossed, bills of the following titles, to wit:

"A bill for an act to amend an act entitled, an act to provide for certain improvements in Pike County."

"A Bill for an act to legalize the assessment of taxes for the county of DuPage."

"A bill for an act to amend an act entitled, an act to vacate the survey and Plat of the town of Middleton."

"A bill for an act to vacate a part of the town of Shepherdstown."

"A bill for the relief of Lake county."

"A bill for an act to establish a State road in the counties of Cook and Lake."

"A bill for an act to amend an act establishing the county of Williamson, approved February 28, 1839."

"A bill for an act to locate a State road from Ottawa, by Belvidere, to the State line, in the direction of Belvit."

The question to lay on the table, the resolution and proposed amendments in relation to the contested seat from Pike county, till the fourth day of July next, coming up:

A call of the House was demanded by Mr Daley, which having been continued for some time, was, on motion dispensed with.

The ayes and noes being demanded on the question to lay on the table, till the fourth day of July next, the resolution and proposed amendments, it was decided in the negative, as follows:

Those voting in the affirmative, are,

Messrs. Able, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Carpenter, Churchill, Cloud, Copland, Crain, Daley Edmonson, English, Ficklin, Fisk, Foster, Green of Clay, Green of Greene, Gouge, Hankins, Happy, Harris, Huey, Kircheval, Logan, Maus, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Roman, Simms, Robert Smith, Thomas of St. Clair, Turney, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—43.

Those who voted in the negative, are,

Messrs. Aldrich, Alexander, Archer, Baker, Bowman, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Hardin, Harlan, Henderson, Henry, Holmes, Houston, Hull, Jarrott, Johnson, Jones, Lincoln, Lyons, Marshall, McCormick, McCutchen, McMillan, Menard, Murphy of Vermilion, Otwell, Phillips, Rawalt, Read, Roberts, George Smith, Stapp, Starr, Thomas of McLean, Walker of Fulton, Webb, Williams, and Williamson—45.

The question then recurring on the proposed amendment of Mr. Webb, it was decided in the negative by ayes and noes, as follows:

Those voting in the affirmative, are,

Messrs. Aldrich, Alexander, Archer, Baker, Bowman, Craig, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Hardin, Harlan, Henderson, Henry, Holmes, Houston, Hull, Jarrott, Jones, Johnson, Lincoln, Lyons, Marshall, McCormick, McCutchen, McMillan, Menard, Murphy of Vermilion, Otwell, Phillips, Rawalt, Read, Roberts, George Smith, Stapp, Starr, Thomas of McLean, Walker of Fulton, Webb, and Williams—43.

Those who voted in the negative, are,

Messrs. Able, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Carpenter, Churchill, Cloud, Copland, Crain, Cunningham, Daley, Edmonson, English, Ficklin, Fisk, Foster, Green of Clay, Green of Greene, Gouge, Hankins, Happy, Harris, Huey, Kircheval, Logan, Maus, Mc Williams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Roman, Simms, Robert Smith, Turney, Thomas of St. Clair, Walker of Vermilion, Williamson, Wood, Zimmerman, and Mr. Speaker, —45.

Mr. Daley moved to strike out all after the word "that," in the amendment to the original resolution and insert the following:

Oscar Love is entitled to his seat as a Representative from Pike county, until further testimony is heard on the subject.

The question was first taken on striking out, and inserting the proposed amendment to the amendment by ayes and noes, as follows: and decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Able, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Carpenter, Churchill, Cloud, Copland, Crain, Cunningham, Daley, Edmonson, English, Ficklin, Fisk, Foster, Green of Clay, Green of Greene, Gouge, Hankins, Happy, Harris, Huey, Kircheval, Logan, Maus, Mc Williams, Moore, Morgan, Murphy of Cook. Murphy of Perry, Nance, Naper, Pace, Roman, Simms, Robert Smith, Thomas of St. Clair, Turney, Walker of Vermilion, Williamson, Wood, Zimmerman, and Mr. Speaker —45.

Those who voted in the negative, are,

Messrs. Aldrich, Alexander, Archer, Baker, Bowman, Craig, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Hardin, Harlan, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Lincoln, Lyons, Marshall, McCormick, McCutchen, McMillan, Menard, Murphy of Vermilion, Otwell, Phillips, Rawalt, Read, Roberts, George Smith, Stapp, Starr, Thomas of McLean, Walker of Fulton, Webb, and Williams—43.

The question recurring on the adoption of the amendment proposed by Mr. Walker as amended, it was decided in the affirmative by ayes and noes, as follows:

Those voting in the affirmative, are,

Messrs. Able, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Carpenter, Cloud, Churchill, Copland, Crain, Cunningham, Daley, Edmonson, English, Ficklin, Fisk, Foster, Green of Clay, Green of Greene, Gouge, Hankins, Happy, Harris, Huey, Kircheval, Logan, Maus, Mc Williams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Roman, Simms, Robert Smith, Thomas of St. Clair, Turney, Walker of Vermilion, Williamson, Wood, Zimmerman, and Mr. Speaker —45.

Those who voted in the negative, are,

Messrs. Aldrich, Alexander, Archer, Baker, Bowman, Craig, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Hardin, Harlan, Henderson, Henry, Holmes, Houston, Hull, Jarrett, Johnson, Jones, Lincoln, Lyons, Marshall, McCormick McCutchen, McMillan, Menard, Murphy of Vermilion, Otwell, Phillips, Rawalt, Read, Roberts, George Smith, Stapp, Starr, Thomas of McLean, Walker of Fulton, Webb, and Williams—43.

Mr. Lincoln moved to amend, by striking out the following words in the resolution just adopted, "until further testimony is heard on the subject," which was agreed to.

The vote was then taken on the adoption of the resolution as amended, and decided in the negative by ayes and noes, as follows:

Those voting in the affirmative, are,

Messrs. Able, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Carpenter, Churchill, Cloud, Copland, Crain, Daley, Edmonson, English, Ficklin, Fisk, Foster, Green of Clay, Green of Greene, Gouge, Hankins, Happy, Harris, Huey, Kercheval, Logan, Maus, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Roman, Simms, Robert Smith, Thomas of St. Clair, Turney, Walker of Vermilion, Williamson, Wood, Zimmerman, and Mr. Speaker—44.

Those who voted in the negative, are,

Messrs. Aldrich, Alexander, Archer, Baker, Bowman, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Hardin, Harlan, Henderson, Henry, Holmes, Houston, Hull, Jarrott, Jones, Johnson, Lincoln, Lyons, Marshall, McCormick, McCutchen, Mc Millan, Menard, Murphy of Vermilion, Otwell, Phillips, Rawalt, Read, Roberts, George Smith, Stapp, Starr, Thomas of McLean, Walker of Fulton, Webb, and Williams—44.

Mr. Daley moved to re-consider the vote just taken, on Mr. Lincoln's motion to strike out:

When,

The House adjourned.

TUESDAY, December 17, 1839.

House met pursuant to adjournment.

A message from the Senate, by Mr. Moore, their Clerk:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have adopted the following resolution, viz:

Resolved by the Senate, the House of Representatives concurring herein, That the two Houses meet in the Hall of the House of Representatives this day at 3 o'clock, P. M., for the purpose of electing Judges of the 5th and 8th Judicial Circuits of the State of Illinois.

In the adoption of which, they ask the concurrence of the House.

On motion,

The above message was taken up, and the resolution to go into the election of Judges of the 5th and 8th Judicial Circuits, was agreed to.

Mr. Lincoln presented a petition from the Mechanics' of Springfield, which was without reading, referred to a select committe.

Ordered, That Messrs. Lincoln, Henry, and Green of Greene, be that committee.

Mr. Alexander moved to dispense with the rules of the House, in order to move a re-consideration of the vote taken yesterday on the resolution, declaring Oscar Love not entitled to a seat; which was not agreed to.

Mr. Lincoln presented the petition of John Bennett, praying the vacation of the plat of part of Bennett's addition to the town of Petersburg; which, without reading, was on his motion, referred to a select committee.

Ordered, That Messrs. Lincoln, Dawson, and Gilham, be that committee.

Mr. Naper presented a petition of sundry citizens of Du Page county, praying for a change in a State road; which without reading, was referred to a select committee.

Ordered, That Messrs. Naper, Thomas of McLean, and Kent be that committee.

Mr. Allen of Greene presented a petition of sundry citizens of Greene county, praying for a division of said county; which was without reading, referred to the committee on Counties.

Mr. Kercheval presented a memorial from James M. Strode, and others, preferring charges against the Hon. John Pearson, praying that he be impeached and addressed out of office; which, on his motion, was referred to the committee on the Judiciary, without reading.

Mr. Allen of Greene presented the petition of sundry citizens of Greene, Macoupin, and Jersey counties, praying for the creation of a new county; the reading of which, on his motion, was dispensed with, and referred to the committee on Counties.

Mr. Hankins presented the petition of sundry citizens of Effingham county, praying a change in a certain State road; the reading of which was dispensed with, and the petition was referred to the committee on State Roads.

Mr. Churchill presented the petition of sundry inhabitants of La Salle county; which, on his motion was, without reading, referred to the committee on Counties.

Mr. Stapp from the select committee to whom was referred the petition of sundry citizens of Knox county; reported a bill for "An act to re-locate part of a State road therein named."

On his motion,

The rules were dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Copland from the select committee to whom was referred the petition of sundry citizens of Johnson county; reported "A bill for an act, to re-locate a part of the State road from Vienna to the city of Metropolis;" which was read, and on motion, the rules were dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Allen of Franklin, from the select committee to whom was referred the petition of Benjamin W. Pope and William Gasaway reported a bill for "An act to authorize Benjamin W. Pope and William Gasaway to build a mill-dam;" which was read, and on his motion, the rules were dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Gouge from the select committee to whom was referred the petition of William H. Piatt, administrator of James A. Piatt; reported a bill for "An act to authorize William H. Piatt, administrator of James H. Piatt, deceased, to execute deeds to certain lots in the town of Monticello;" which was read the first time, and on his motion, the rules of the House were dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Naper from the committee on claims, to whom was referred the petition of sundry citizens of Lawrence county, reported a bill for "An act to alter the State road, leading from Vincennes to Palestine;" which was read the first time, and on his motion, the rules were dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Moore from the committee on Counties, to whom was referred the petition of the citizens of De Kalb county, reported a bill for "An act permanently to locate the seat of justice of De Kalb county;" which was read the first time, and on his motion, the rules were dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Crain from the committee on Education, reported "A bill for an act, to distribute the School Fund to the several counties in this State;" which was read the first time, and

Ordered to a second reading.

Robert Smith moved for adoption the following preamble and resolution, viz:

Whereas, the people are becoming alarmed in view of the debt which necessarily must be incurred to complete the present system of Internal mprovements adopted by this State:

And whereas, the monetary affairs of the country, are in such a condition as to preclude the possibility of procuring at this time, funds necessary to carry out the same:

And whereas, the money already expended on railroads now under contract, (and in progress) in continuous lines from the navigable rivers, amounting to millions of dollars, would be a total loss to the State, in case of the entire abandonment of the system, but if completed, would to some extent aid in the payment of the interest on their cost:

And whereas, it would be a breach of good faith on the part of the State, to attempt to annul the contracts made with her citizens; and

would be ruinous and destructive to the contractors, and those who have labored for them. Therefore,

Resolved, That the committee on Internal Improvements be requested to report to this House as soon as practicable, a bill providing for the completion of all contracts now let in continuous lines from navigable rivers; and the suspension of operations on all other roads, or parts of roads authorized to be constructed in the bill for "An act to establish and maintain a general system of Internal Improvements, and all acts amendatory or supplemental thereto, until otherwise ordered by the General Assembly.

Mr. Alexander moved to amend the resolution by striking out all after the word "Resolved," and inserting the following. "That the committee on Internal Improvements be instructed to report a bill to this House, suspending operations upon all the railroads in this State, with the exception of the Cross and Central railroads, till the action of the Legislature at its next regular session can be had thereon."

On motion of Mr. Dawson,

The foregoing preamble, resolution and amendment was referred to the same committee of the Whole House, to which was referred the preamble and resolution of Mr. Dawson on the same subject.

Mr. Moore moved for adoption the following resolution, viz:

Resolved, That the committee on Internal Improvements be instructed to report a bill to provide for the completion of the following public works, to-wit: The Central railroad from Cairo to the termination of the Illinois and Michigan Canal; the Northern Cross railroad from Meredosia to the Eastern termination thereof; the Great Western mail route, and the improvements on the Great Wabash, Illinois and Rock rivers, and to provide for the suspension for a limited time of the remaining portions of the Public Works of this State, excepting only such as were placed under contract prior to the first day of June, 1838, and for the security and protection of the unfinished work, and materials belonging to the State; and further to provide for the re-organizing the Board of Public Works, and the Board of Fund Commissioners, so as to reduce the number of Commissioners of each Board; and,

On motion of Mr. Moore,

The foregoing resolution was referred to the same committee of the whole House, to which other resolutions on the same subject were referred.

On motion of Mr. Cunningham,

Resolved, That the final action upon the contested election from the county of Pike, be deferred until Monday next; and that the door-keeper be directed to procure the attendance of George M. Hanson of Coles county by that time.

Mr. Henry moved for adoption the following preamble and resolutions; which,

On motion of Mr. Allen of Greene,

Were referred to the same committee of the whole House, to which other resolutions on the same subject were referred.

Whereas, the present session of the General Assembly has been convened by the Governor, in obedience to calls made upon him by the peo-

ple, for the purpose of re-considering the action had, during the last regular session upon the subject of Internal Improvements.

And whereas, the people have not expressed any desire for the Convention of this General Assembly, for any other purpose than that of acting upon the subject aforesaid.

And whereas, it is known that the finances of the State are not in a condition to justify any expenditure of public money, except for useful and necessary purposes.

Wherefore, be it resolved by the House of Representatives, That the action of this General Assembly should be confined to the purposes for which it was convened, and such other business as imperatively call for legislative action.

Resolved, That the committee on Internal Improvements be instructed to report a bill, with as little delay as possible, containing such provisions as are necessary and proper to effect the following objects.

First. To abolish the Board of Public Works as now organized.

Second. To suspend all action and operation in the construction of railroads.

Third. To provide for a settlement of the accounts of the late and present Commissioners of the Board of Public Works, and for the prosecution of suits for balances, if any there be in their or either of their hands.

Fourth. To provide for a settlement of accounts with all contractors and the payment of balances due them.

Fifth. To provide for discharging all Engineers and Agents of the State, whose services are not absolutely necessary to the public interests, in making settlements with contractors, and preserving the public property.

Sixth. To organize a Board of Public Works, to consist of three members only to be appointed by the Governor, by and with the advice and consent of the Senate.

Seventh. To authorize the Board thus organized, to perform the following duties without delay.

1. To settle the accounts of the present and late Commissioners.
2. To settle the accounts of the Fund Commissioners.
3. To execute such other duties as may be required in the preservation of all the unfinished works, and public property.

Eighth. To provide for the preservation of all the public property purchased or procured for the purposes of executing the laws in relation to the system of Internal Improvements.

Ninth. To provide for paying contractors for work done according to contract price, upon condition, that the State is released from all claims to damages by reason of such contractors being checked in their operations, and prevented from fulfilling their contracts.

Tenth. To provide for such of the railroads or other improvements as have been completed.

Eleventh. To limit the powers of the Board of Public Works to be organized, in the appointment of Engineers and Agents, so as to require one Chief Engineer, with such assistants as may be indispensible to the execution of duties required.

Twelfth. To require all work upon the rivers to be suspended, excepting on the Great Wabash, Illinois and Rock rivers, and so far as the com-

pletion of any contract on any other river, may be absolutely necessary to preserve what has been done.

Thirteenth. To require the discharge from service of all Engineers and Agents, so soon as settlements have been made with contractors, and the public property placed in a safe condition.

Fourteenth. To provide against paying money upon contracts or stipulations in contracts not authorized by law.

Resolved further, That the committee on Finance, be instructed to report a bill abolishing the Board of Fund Commissioners, and providing that the duties of said Board in relation to paying interest on money borrowed, be performed by the Governor, or the Board of Public Works.

2. That all sales of State Bonds made by said Commissioners for less than their par value of such bonds, shall be considered as void.

3. That no State Bonds shall be sold until authorized by law.

4. Vacating and annulling all and every agency created or appointed by the Fund Commissioners for the sale of State Bonds.

5. Requiring all bonds which have been executed and not sold, to be delivered up to the Governor, to be by him deposited in some safe place, subject to the future laws of the State.

Be it further resolved, That the committee on the Judiciary be instructed to report a bill with proper provisions to effect the following objects:

First. To give the Circuit Court of Sangamon county, jurisdiction of all actions and causes of action, which have or may arise in favor of the State against State officers, agents, and all others against whom such causes of action have or may arise.

Second. To authorize the Governor to employ and pay counsel for advice, and for prosecuting suits in behalf of the State, in all cases where he may deem the employment of such counsel necessary to the protection of the rights of the State.

Third. To give the Circuit Court of Sangamon county, jurisdiction over all cases of fraud or mal-conduct on the part of public officers and agents of the State, who are, or may be liable to indictment for such fraud or improper conduct.

Fourth. Declaring void all contracts made by the agents of the State, in executing the law, in relation to the system of Internal Improvements, when the agent exceeded his authority, and providing for the recovery of all money unlawfully paid out by any such agent.

Mr. Hardin moved for adoption the following preamble and resolutions, viz:

Whereas, Oscar Love was permitted by a vote of this House at its organization, on the 9th inst. to take his seat in this body as a member from Pike county, without any examination of the facts whether there was a vacancy in the representation from that county; and whereas, Richard Kerr, the member elected in that county at the regular election in 1838, is now in attendance on this body, and has claimed his seat as a member of this House: and whereas the consideration of his claim has been postponed at the request of Oscar Love, for the purpose of sending for a witness, therefore, for the purpose of doing justice and acting with impartiality in this matter, it is

Resolved, by the House of Representatives, That Oscar Love shall not be permitted to vote and act as a member of this House until the question is

decided whether he or Richard Kerr is entitled to a seat in this House as the member from Pike.

Mr. Walker of Vermilion, moved to lay the preamble and resolution on the table, which was agreed to by yeas and nays as follows, viz:

Those who voted in the affirmative, are,

Messrs. Able, Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Carpenter, Churchill, Cloud, Copland, Crain, Cunningham, Daley, Edmonson, English, Ficklin, Fisk, Foster, Green of Clay, Green of Greene, Gouge, Hankins, Happy, Harris, Houston, Huey, Kercheval, Logan, Maus, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Roman, Simms, Robert Smith, Thomas of St. Clair, Turney, Walker of Fulton, Walker of Vermilion, Williamson, Wood, Zimmerman, and Mr. Speaker—48.

Those who voted in the negative, are,

Messrs. Aldrich, Archer, Baker, Bowman, Craig, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Hardin, Harlan, Henderson, Huey, Holmes, Hull, Jarrott, Johnson, Jones, Lincoln, Marshall, Maus, McCormick, McCutchen, McMillan, Menard, Murphy of Vermilion, Otwell, Phillips, Rawalt, Read, Roberts, George Smith, Stapp, Starr, Thomas of McLean, Webb, and Williams—40.

On motion of Mr. Logan,

Resolved, That the committee on Public Accounts and expenditures be instructed to enquire into the amount expended on the State House, and the amount yet on hand unexpended, and the whole probable cost of the State House when completed, and report to this House at as early a date as possible.

Mr. Stapp's preamble and resolutions on the subject of Internal Improvements, which were some days since laid on the table, were on his motion taken up and referred to the same committee of the whole House, to which was referred other resolutions on the same subject.

Mr. Fisk moved to reconsider the vote taken upon the resolution offered by Mr. Cunningham this morning, which was not agreed to.

On motion,

The House adjourned until 2 o'clock P. M.

TWO O'CLOCK P. M.

House met pursuant to adjournment.

Mr. Williams on leave, introduced the following resolution which was adopted:

Resolved, That the Speaker of the House of Representatives issue subpoenas for all such witnesses as may be designated to him by either Richard Kerr, or Oscar Love, the contending members from Pike county, and that the door-keeper appoint a sufficient number of deputies to execute the same forthwith:

Provided, That the subpoenas be made returnable by Monday next.

The engrossed: bills entitled

"An act to establish a State Road in the counties of Cook and Lake."

"An act to locate a State road from Ottawa by Belvidere to the State line in the direction of Belvit."

"An act to amend an act establishing the county of Williamson, approved February 28, 1839."

"An act to amend an act entitled 'An act to vacate the Survey and Plat of the town of Middleton;"

"An act to amend an act, entitled 'An act to provide for certain improvements in Pike county;"

"An act to legalize the assessment of taxes for the county of DuPage;"

"An act to vacate a part of the Plat of the town of Shepherdstown;" and

"An act for the relief of Lake county;"

Were severally read a third time and passed.

Ordered, That the titles of the bills be as aforesaid, that the Clerk inform the Senate thereof, and ask their concurrence therein.

The bill for an act relating to the State Bank of Illinois, was read a second time; when

Mr. Daley moved the following amendment, viz:

That all executions heretofore or hereafter to be issued on judgments in Courts of this State, and proceedings thereon be suspended during the continuance of this act, and that none of the expenses of said Bank and its Branches, or the salaries of its officers shall be charged on any portion of the stock held by the State in said Bank, during such suspension.

That the individual property, personal and real, of the private stockholders shall be liable for all the notes and obligations on the said Bank heretofore issued, or that may be contracted; and hereafter the said Bank and its Branches shall not directly or indirectly loan to any individual, company, or body politic and corporate, so that the liabilities shall at any one time exceed ten thousand dollars, and this suspension is granted expressly on this section becoming a portion of the organic law of said institution.

Mr. Moore moved that the bill and proposed amendment be laid on the table, which was agreed to.

When the House took a short recess to prepare for the reception of the Senate.

The House being called to order, the Speaker submitted the following communication from the Governor:

EXECUTIVE DEPARTMENT,
Springfield, *December* 13, 1839.

To the Hon. THE SPEAKER
of the House of Representatives.

SIR: I have the honor to inform the House of Representatives, that since the adjournment of the last legislature, vacancies have occurred in the offices of Judge of the fifth and eighth Judicial Circuit by the resignation of the Hon. S. T. Logan, and James H. Ralston, which will devolve on you the necessity of filling those vacancies before the adjournment of the Legislature.

I have the honor to be, Sir,
Your obedient servant,
THOMAS CARLIN.

On motion,

Resolved, That the Clerk inform the Senate that the House is now ready to receive them in the Hall of the House of Representatives, to proceed

with the election of Judges of the Fifth and Eighth Judicial Circuits.

The Clerk having discharged that duty, the Senate preceded by their Speaker, appeared in the Hall of the House for the purpose aforesaid.

Whereupon the two Houses proceeded to the election by ballot of Judges for the fifth and eighth Judicial Circuits.

Mr. Baker nominated S. H. Treat for Judge of the eighth Circuit.

Mr. Edmondson nominated Peter Lott, for Judge of the fifth Circuit.

Mr. English on the part of the House, and Mr. Nunnally on the part of the Senate, were appointed tellers by the chair, and upon counting the votes it appeared that

Peter Lott had received one hundred and six votes, for Judge of the Fifth Circuit.

Scattering, ten votes.

Peter Lott having received a majority of all the votes given, was declared duly elected Judge of the Fifth Judicial Circuit of the State of Illinois.

Samuel H. Treat received one hundred and seven votes for Judge of the Eighth Circuit.

Scattering, ten votes.

Samuel H. Treat having received a majority of all the votes given, was declared duly elected Judge of the Eighth Judicial Circuit of the State of Illinois.

When the Senate withdrew,

And the House adjourned.

WEDNESDAY, December 18, 1839.

House met pursuant to adjournment.

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that they have concurred with them in the adoption of the resolution of the House, appointing a joint select committe of seven from the House and five from the Senate, to examine into the official acts and doings of the Board of Public Works, &c., and have appointed, Messrs. Gatewood, Browning, Johnson, Richardson, and Hacker, the committee on the part of the Senate.

They have also concurred with the House in the adoption of the resolution appointing a joint select committee to examine into the condition of the State Bank, &c., as amended by them.

They amended as follows, viz: strike out all after the word "resolve," and insert, "By the Senate, the House of Representatives concurring herein, that a joint select committee of eight, three on the part of the Senate and five on the part of the House of Representatives, be appointed to examine into the condition of the State Bank of Illinois and Branches, and that said committee have power to send for persons and papers, and compel their attendance.

That said committee enquire whether or not the State Bank of Illinois has forfeited her charter.

What rates of its discounts have been to persons living out of the State—What have been the transactions of the State Bank of Illinois, with the

house of Nevens and Townsend, of the City of New York—What loans, if any, have been made to them either directly or indirectly, on the discount of paper, or on the collection of bills drawn on New York, and sent to them by the Bank, or by placing in their possession funds collected for the Bank by other institutions; what portion of the Stock of the State Bank, subscribed for by the aforesaid Nevens and Townsend: and also, by Samuel Wiggins of Cincinnati, has been paid in, both of the original stock and of the One Million which the Bank was permitted to sell; and also, what interest, if any, has been paid by said House of Nevens and Townsend, for those loans and deposits; also, whether the Bank did not refuse to accommodate the community with Eastern exchange during the time heavy balances were in the hands of the House aforesaid: and also, what are the nature of the transactions of the Bank with the House of Denman of Philadelphia; whether any, and if any, what loans have been made them, whether they were permitted the free use of any or all monies collected by the falling due of bills, drawn on them on account of Pork, Bacon, Lard, Lead, &c., shipped to them by the Bank, and whether any bills drawn on them have been renewed to prevent protests: also, what are now and have been the character of the transactions of the Bank, if any, with the House of Griggs and Weld of Boston, and what the amount of debt due at any time by the said House to the Bank, its present extent, securities, &c.: and also, what have been and are now the character and extent of loans by the Bank, to Houses in St. Louis, and to the Bank of Missouri; and also, whether the Bank has been engaged in speculations, either in Lead or Lands, or any other property: also, what amount has been or probably will be lost at the Branches of Chicago, Alton, and Galena: the amount of suspended debt at those Branches, what portion to citizens of the State, and what to non-residents; and the nature of the security taken in all these cases: and also, what is, and has been the amount of loans to the principal dealers at those Branches, what portion of those debts has been on business paper; what on accommodation loans, and what on bills of exchange, and whether said bills have not been frequently taken up at maturity, not with cash but by accommodation paper.

What portion of the loans to citizens of this State has been to Bank Directors; whether the Bank has not been governed by partiality and favouritism, in some of its discounts and accommodations: and also, the character of the transactions between the acting Fund Commissioner and the President of the Bank, in the negotiation of the Bonds sold to constitute the stock owned by the State in that Institution, and if the Bonds, at or since the time of purchase by the Bank, could not have been sold for cash at or above par, and why said bonds were not sold.

And also, whether any money has been paid in, to represent the Stock of the State in Said Bank: whether the Bank has not dealt unfairly in declaring dividends, and reporting means as available which are in reality unavailable in bad debts: and also, whether Houses connected with some of the principal officers of the Bank have not been accommodated largely to the exclusion of others equally solvent:

And also, other charges that may be preferred against said Bank and Branches, by any person or persons." And have appointed Messrs. Monroe, Woodworth, and Wood, the committee on the part of the Senate.

In the adoption of which amendment they ask the concurrence of the House of Representatives.

They have also concurred with the House, in the adoption of the resolution instructing our Senators, and requesting our Representatives in Congress to use their best exertions, to procure the donation of six hundred thousand acres of Public Land, for the improvement of the Great Wabash river, &c.

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate, to inform the House of Representatives that they have passed a bill of the following title, to wit:

"An act to vacate the Town Plat of Shepherdstown;"

In the passage of which they ask the concurrence of the House.

The Speaker laid before the House a communication from the Board of Public Works, which is as follows, to wit:

CENTRAL INTERNAL IMPROVEMENT OFFICE,
Springfield, Illinois, December 16, 1839.

To the Hon. the SPEAKER
of the House of Representatives.

SIR: I am instructed by the Board of Public Works, to state in answer to the following resolution, adopted by the House of Representatives, on the 13th inst. to wit:

"*Resolved*, That the Board of Public Works be requested to communicate to this House the terms and conditions of the compact, or agreement, entered into, between the said Board and the Board of Internal Improvements of the State of Indiana, as authorized and directed by the 18th Section of the 'Act to establish and maintain a General System of Internal Improvements."

That no compact has been entered into between this Board and the Board of Public Works of the State of Indiana, as contemplated by the 18th Section of the act referred to, in the said resolution. That the work that has been done has been prosecuted under the compact proposed by the General Assembly of the State of Indiana, on the 6th day of January, 1837, and accepted by the General Assembly of the State of Illinois, by joint resolution.

Approved March 2, 1837.

I have the honor to be, Sir,
Very respectfully,
Your obedient servant,
WILLIAM PRENTISS,
Sec'y. Board Pub. Works.

Mr. Dubois moved to lay the foregoing communication on the table, which was agreed to.

The Speaker laid before the House a report from the Auditor of Public Accounts.

Mr. Dubois moved to lay said report on the table, and five hundred copies be printed for the use of the House.

Mr. Rawalt moved the printing of one thousand copies, which was not agreed to.

The Speaker laid before the House the report of the Fund Commissioners, which was read.

The question was then taken on printing five hundred copies, and was agreed to.

Mr. Moore moved to lay said report on the table, which was agreed to.

Mr. Stapp moved the printing of one hundred and fifty copies for the use of the House.

Mr. Webb moved the printing of five hundred copies, which was not agreed to.

Mr. Hardin moved to lay the motion to print on the table, which was agreed to.

The Speaker laid before the House a communication from the Governor, accompanied by the semi-anual report of the Board of Public Works, the communication is as follows, to wit:

EXECUTIVE DEPARTMENT,
Springfield, December 14, 1839.

SIR: I have the honor herewith to transmit to the House of Representatives the semi-annual report of the Board of Public Works, together with a communication from the Secretary of said Board.

These documents are of such length, and time not allowed me to have them copied, I have enclosed the original document, and request the same may be preserved and returned to me in practicable time.

I have the honor to be, Sir,
Your obedient servant,
THOMAS CARLIN.

Mr. Alexander moved that the report be laid on the table and one hundred and fifty copies be printed for the use of the House, which was agreed to.

Mr. Murphy of Vermilion, moved to reconsider the vote taken on the motion to print the report of the Board of Public Works, which was agreed to.

Mr. Happy moved to have one thousand copies of said report printed.

Mr. Murphy of Cook, moved to have five hundred copies printed.

Mr. Hardin moved the reconsideration of the vote on laying said report on the table, which was agreed to, and

On his motion the same was referred to the committe on Internal Improvements.

The Speaker laid before the House a communication from the Governor accompanied by a letter from the Hon. R. M. Young, agent of the State, for borrowing money for Canal purposes: the communication was as follows, to wit:

EXECUTIVE DEPARTMENT,
Springfield, December 18, 1839.

To the Honorable SPEAKER
of the House of Representatives.

SIR: I have the honor herewith to transmit to the House of Representatives, a letter from the Hon. R. M. Young, agent of the State for borrowing money for Canal purposes, on the subject of a loan lately negotiated by him in London, with the House of John Wright, & Co., of that City; and also, an amendment that he suggests to the law, to enable him to comply fully with the conditions upon which said loan or negotiation has been made.

I have the honor to be, Sir,
Your obedient servant,
THOS. CARLIN.

On motion of Mr. Webb,

The communication of the Hon. R. M. Young, after being read, was referred to the committee on Finance.

Mr. Ficklin moved to re-consider the vote taken on laying the report of the Fund Commissioners on the table, which was agreed to, and

On his motion referred to the committee on Finance, with instructions to examine and report whether the sale of bonds made by the Fund Commissioners were made at par, and in accordance with the laws of the State.

The Speaker laid before the House, a communication from the Bank of Shawneetown, which was read, and

On motion of Mr. Gouge,

Was laid on the table, and one hundred and fifty copies ordered to be printed for the use of the House.

Mr. Churchill presented the petition of 430 persons of LaSalle and Bureau counties, asking for a new county, the reading of which was on his motion dispensed with, and referred to the committee on Counties.

Mr. Churchill presented the petition of 350 persons of Kane and La Salle counties, asking for a new county to be called ; the reading of which was on his motion, dispensed with, and the same referred to the committee on Counties.

Mr. Webb presented the petition of sundry citizens of White county, which was read, and

On motion of Mr. Webb,

So much of said petition as referred to Internal Improvement, be referred to the committee on Internal Improvement, and so much of it as relates to the Revenue Law, to the committee on Finance.

Mr. Murphy of Cook presented the petition of sundry citizens of Lake county, praying for an act to incorporate the Middlesex Steam Mill Company; the reading of which, was on his motion dispensed with, and the same referred to a select committee.

Ordered, That Messrs. Murphy of Cook, Kercheval, and Churchill be that committee.

Mr. Churchill presented the petition of sundry citizens of La Salle, praying for a division of said county; the reading of which, was on his motion dispensed with, and the same referred to the committee on Counties.

House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Webb asked the unanimous consent of the House to introduce the following resolution, which was granted, and the resolution adopted.

Ordered, That the Clerk inform the Senate of the passage of the foregoing resolution.

Resolved by the General Assembly, That no report made to either House, except the same be made by a committee of such House be spread upon the Journals unless so ordered by the House receiving the same.

Resolved also, That when such Reports are ordered to be printed 1000

additional copies thereof, shall be placed by the Printer in the office of the Secretary of State, to be bound and distributed with the Journals of this session.

Resolved also, That when such Reports are ordered to be printed, a sufficient number shall be printed for the use of both Houses, and the House ordering the printing, shall advise the other House thereof; *Provided*, That either House may order the printing of additional copies for its separate use.

Mr. Moore moved to take up the bill in relation to the State Bank, which was agreed to.

The question recurring on Mr. Daley's amendment,

Mr. Henry moved to lay the amendment on the table, until the end of the present session of the General Assembly.

Mr. Walker of Vermilion demanded a call of the House; which was had.

Mr. Dawson moved to dispense with the further call of the House; which was not agreed to.

Mr. Hardin moved to dispense with the further call of the House; which was agreed to.

Mr. Walker of Vermilion demanded a division of the question, so as to take the vote on the first clause of the amendment; the vote being taken on laying the first clause of the amendment on the table, until the end of the present session of the General Assembly, was decided in the affirmative, by yeas and nays, as follows, viz:

Those who voted in the affirmative, are,

Messrs. Able, Alexander, Allen of Franklin, Archer, Bainbridge, Baker, Bowman, Carpenter, Churchill, Cloud, Copland, Cunningham, Dawson, Elliott, Elkin, Emmerson, English, Ficklin, Fisk, Foster, Gilham, Green of Greene, Happy, Hardin, Harlan, Henderson, Henry, Holmes, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kercheval, Logan, Lyons, Marshall, McMillan, McWilliams, Menard, Morgan, Murphy of Vermilion, Nance, Otwell, Pace, Phillips, Read, Roman, George Smith, Starr, Thomas of McLean, Thomas of St. Clair, Webb, Williams, and Williamson —56.

Those who voted in the negative, are,

Messrs. Allen of Greene, Brown, Craig, Crain, Daley, Dubois, Dunn, Edmonson, Edwards, Green of Clay, Gouge, Hankins, Harris, Houston, Lincoln, Maus, McCormick, McCutchen, Moore, Murphy of Cook, Murphy of Perry, Naper, Rawalt, Roberts, Simms, Robert Smith, Stapp, Turney, Walker of Fulton, Walker of Vermilion, Wood, and Zimmerman—34.

Mr. Baker asked for a further division of the question, so as to take the vote on the last clause of the first section, which being taken by ayes and noes, was decided in the negative as follows:

Those who voted in the affirmative, are,

Messrs. Able, Allen of Franklin, Archer, Bowman, Carpenter, Dubois, Dunn, Edwards, Elkin, Emmerson, Ficklin, Fisk, Gilham, Hardin, Harlan, Henderson, Henry, Holmes, Huey, Hull, Jarrott, Johnson, Jones, Kent, Logan, McMillan, Menard, Phillips, Roman, Stapp, Thomas of McLean, Thomas of St. Clair, Webb, Williams, Williamson, and Wood —35.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Greene, Bainbridge, Baker, Brown, Churchill, Cloud, Copland, Craig, Crain, Cunningham, Daley, Dawson, Edmonson, Elliott, English, Foster, Green of Clay, Green of Greene, Gouge, Hankins, Happy, Harris, Houston, Kercheval, Lincoln, Lyons, Marshall, Maus, McCormick, McCutchen, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Nance, Naper, Otwell, Pace, Rawalt, Read, Roberts, Simms, George Smith, Robert Smith, Starr, Turney, Walker of Vermilion, Walker of Fulton, Zimmerman, and Mr. Speaker—53.

The question being upon the motion to lay the first clause of second section of the amendment on the table; it was decided in the negative by ayes and noes, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Allen of Franklin, Archer, Baker, Bowman, Carpenter, Dawson, Dubois, Dunn, Edwards, Elkin, Emmerson, Gilham, Hardin, Harlan, Henderson, Henry, Holmes, Huey, Hull, Jarrott, Johnson, Jones, Kent, Logan, McMillan, Menard, Nance, Phillips, Roman, George Smith, Starr, Thomas of St. Clair, Thomas of McLean, Webb, Williams, Williamson, and Wood—38.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Greene, Bainbridge, Brown, Churchill, Cloud, Copland, Craig, Crain, Cunningham, Daley, Edmonson, Elliott, English, Ficklin, Fisk, Foster, Green of Clay, Green of Greene, Gouge, Hankins, Happy, Harris, Houston, Kercheval, Lincoln, Lyons, Marshall, Maus, McCormick, McCutchen, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Pace, Rawalt, Roberts, Read, Simms, Robert Smith, Stapp, Turney, Walker of Fulton, Walker of Vermilion, Zimmerman, and Mr. Speaker—52.

The ayes and noes being demanded on laying the last clause of the second section of the amendment on the table.

It was decided in the negative as follows:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Bowman, Carpenter, Dunn, Elkin, Emmerson, Gilham, Hardin, Harlan, Henderson, Henry, Huey, Hull, Johnson, Jones, Kent, Logan, McMillan, Menard, Phillips, Roman, Thomas of McLean, Thomas of St. Clair, Webb, and Williams—26.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Baker, Brown, Churchill, Cloud, Copland, Craig, Crain, Cunningham, Daley, Dawson, Dubois, Edmonson, Edwards, Elliott, English, Ficklin, Fisk, Foster, Green of Clay, Green of Greene, Gouge, Hankins, Happy, Harris, Holmes, Houston, Jarrott, Kercheval, Lincoln, Lyons, Marshall, Maus, McCormick, McCutchen, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Nance, Naper, Otwell, Pace, Rawalt, Read, Roberts, Simms, George Smith, Robert Smith, Stapp, Starr, Turney, Walker of Vermilion, Walker of Fulton, Williamson, Wood, Zimmerman, and Mr. Speaker—63.

Mr. Happy moved the following additional amendment as a proviso.

Provided, That the Legislature have the right at any time hereafter to alter or amend the charter of said Bank, when in their opinion the public good may require it.

Mr. Dubois moved to lay the bill together with the proposed amendment on the table, until the 4th of July next; and on this question, Mr. Daley and Mr. Henry demanded the ayes and noes.

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Archer, Baker, Bowman, Brown, Carpenter, Churchill, Cloud, Copland, Craig, Crain, Daley, Dawson, Dubois, Dunn, Edmonson, Edwards, Elliott, Emmerson, English, Ficklin, Fisk, Foster, Green of Clay, Happy, Harlan, Harris, Houston, Hull, Jarrott, Kercheval, Lyons, Marshall, McMillan, Moore, Murphy of Cook, Murphy of Perry, Naper, Pace, Phillips, Rawalt, Read, Roberts, Simms, Robert Smith, Turney, Walker of Vermilion, Zimmerman, and Mr. Speaker—50.

Those who voted in the negative, are,

Messrs. Able, Allen of Greene, Bainbridge, Cunningham, Elkin, Gilham, Green of Greene, Gouge, Hankins, Hardin, Henderson, Henry, Holmes, Huey, Johnson, Jones, Kent, Lincoln, Logan, Maus, McCormick, McCutchen, McWilliams, Menard, Morgan, Murphy of Vermilion, Nance, Otwell, Roman, George Smith, Stapp, Starr, Thomas of St. Clair, Thomas of McLean, Walker of Fulton, Webb, Williams, Williamson, and Wood—40.

So the bill and proposed amendment were laid on the table, until the 4th of July next.

The House adjourned.

THURSDAY, December 19, 1839.

House met pursuant to adjournment.

A message from the Governor, by Mr. Field, Secretary of State.

Mr. Speaker: I am directed by the Governor, to lay before the House a communication in writing.

Mr. Crain from the committee on Engrossed Bills, reported as correctly engrossed, Bills of the following titles:

"An act to legalize the survey and re-location of part of a State road therein named;"

"An act authorizing the School Commissioner of Greene county to sell a section of land therein named;"

"An act to vacate part of a State road in Scott county;"

"An act to amend an act entitled, an act to increase the corporate powers of the Town of Chester;"

Mr. Edmonson presented the petition of sundry citizens of McDonough county praying the increase of time for holding Circuit Courts in that county; which, on his motion, was without reading referred to a select committee of five.

Ordered, That Messrs. Edmonson, Starr, Brown, Walker of Fulton, and Stapp, be that committee.

Mr. Churchill presented the remonstrance of sundry citizens of Kane county, against the division of said county; which, on his motion, was without reading referred to the committee on Counties.

Mr. Gouge presented the petition of certain citizens of Macon county,

for a re-survey of part of a State road therein named; which, on his motion, was without reading referred to a select committee.

Ordered, That Messrs. Gouge, Thomas of McLean, and Elkin, be that committee.

Mr. Harris presented the petition of sundry citizens of McCoupin, Morgan, and Greene counties praying for a new county; which, on his motion was without reading referred to the committee on Counties.

Mr. Fisk presented the petition of the Montgomery Lyceum, praying for an act of incorporation; which, on his motion, was without reading referred to a select committee.

Ordered, That Messrs. Fisk, Murphy of Cook, and Happy be that committee.

Mr. Craig presented the petition of Rose and Swan, for a ferry across Fever river; which, on his motion was without reading, referred to a select committee.

Ordered, That Messrs. Craig, Kent, and Kercheval, be that committee.

Mr. Read presented the petition of citizens of Pope county, in relation to Lusk creek being declared navigable; which was read and referred to a select committee of three.

Ordered, That Messrs Read, Allen of Franklin, and Wood, be that committee.

Mr. Turney presented the petition of citizens of White, Wayne, and Marion counties, asking an appropriation for the improvement of Skillet Fork of Little Wabash river; which, on his motion was without reading, referred to a select committee.

Ordered, That Messrs. Turney, Phillips, and Green of Clay be that committee.

Mr. McWilliams presented the petition of citizens of Pike county, praying for a re-location of part of the Griggsville and Quincy road; which, on his motion, was without reading, referred to a select committee.

Ordered, That Messrs. McWilliams, Allen of Greene, and Edmonson, be that committee.

A message from the Governor, by Mr. Field, Secretary of State.

Mr. Speaker: I am directed by the Governor to lay before the House a communication in writing.

Mr. Lincoln from the select Committee, to whom was referred the petition of the Mechanics of the town of Springfield, reported:

"A bill for An act to incorporate the Springfield Mechanics' Union;"

Which was read the first time, and

Ordered to a second reading.

Mr. Webb from the committee on Judiciary, in pursuance of a resolution on that subject, reported "A bill for an act fixing the times of holding the spring terms of the Circuit Courts in the counties of Coles and Champaigne, and authorizing an additional term of the Circuit Courts of Vermilion and Edgar;" which was read the first time: and

Ordered, to a second reading, and

On motion of Mr. Webb,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Webb, from the committee on the Judiciary, to whom was refer-

red the memorial of James M. Strode, and others, praying the impeachment and dismissal from the bench of the Hon. John Pearson, Judge of the 7th Judicial circuit of this State, made the following report:

The committee on the Judiciary, to which was referred the memorial of James M. Strode and others, preferring charges against the Hon. John Pearson, Judge of the 7th Judicial circuit for official misconduct, &c., and praying that he may be impeached or addressed out of office; "respectfully report, that they have had the same under consideration, and have given the subject the strict attention, which its importance as well to a high officer of the State as to the well-being of the State itself demands. They find those charges to be of a grave and serious character; that they are preferred by citizens of high standing and respectability, and that most of them are sustained either by affidavit or by certified copies of Judicial records and that they therefore imperiously demand the attention of this House.

The committee therefore ask to be discharged from the further consideration of the subject and report for adoption the following resolution:

Resolved, That the memorial of James M. Strode and others preferring charges against John Pearson, and the accompanying documents be laid upon the table.

Resolved, That the House of Representatives will on the first Monday of January next, proceed to investigate the charges against Judge John Pearson, by hearing the witnesses at the bar of this House: and that it shall be governed by the following rules in the examination:

1st. There shall be appointed by the Speaker three Members of this House as examiners, whose duty it shall be to conduct the examination of said witnesses, both for and against the accused.

2d. Any member may propound questions to any witness after the examiners have ceased to examine such witness, which question shall be put by the examiners, on motion of the member asking the question.

3d. If any question shall be put by the examiners or any member, and the same shall be objected to either by the witness or any member of the House, the same shall be decided by the chair subject to an appeal to the committee.

4th. Previous to entering upon the examination, the House shall resolve itself into committee of the whole; the witnesses shall be called to the bar, one at a time sworn and examined, and immediately leave the House.

The House shall continue said examination from day to day until the whole testimony shall be heard in relation to said charges, at which time the committe of the whole shall rise, the Speaker shall resume the chair, and the House shall then adopt such measures in relation to said charges as may seem proper.

Resolved, That the Speaker advise the said John Pearson of the pendency of these charges, and of the time the House will enter into the examination of the same.

Resolved, That the speaker issue subpoenas, returnable on the 30th day of this month, for James H. Collins, Justin Butterfield, Mark Skinner, Thomas Hogan, G. A. O. Beamont, James M. Strode, Onslow Peters, U. Osgood, W. W. Brackett, Hugh T. Dickey, John M. Wilson, Edward G. Ryan, Buckner S. Morris, J. Y. Scammon, Grant Goodrich, J. N. Arnold,

J. N. Balestier, J. C. Newkirk, J. D. Caton, A. H. Hauberd, N. B. Judd, and H. L. Rucker, to attend and give testimony on the examination of said charges.

Mr. Walker of Vermilion, offered the following amendment, which was agreed to.

And also, such witnesses as may be required by the said John Pearson.

Resolved, That the Speaker appoint a Sergeant-at-arms to serve subpoenas and act under the direction of the House during the pendency of said examination; and a messenger to serve said notice on the said John Pearson.

Mr. Naper moved to amend the report by striking out "30th December," and inserting 1st monday in January next; which was agreed to.

Mr. Alexander moved the indefinite postponement of the report and resolutions.

On this motion, Mr. Williams, and Mr. Hardin, demanded the ayes and noes; and on the vote being taken, it was decided in the negative, as follows:

Those voting in the affirmative, are,

Messrs. Alexander, Churchill, Crain, Dubois, Elliott, Emmerson, English, Fisk, Foster, Harris, Lyons, McCutchen, McWilliams, Menard, Moore, Morgan, Murphy of Perry, Naper, Pace, Roman, Simms, George Smith, Turney, Wood, Zimmerman, and Mr. Speaker—26.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Baker, Bowman, Brown, Carpenter, Cloud, Copland, Craig, Cunningham, Daley, Dawson, Dunn, Edmonson, Edwards, Elkin, Ficklin, Gilham, Green of Clay, Green of Greene, Hankins, Happy, Hardin, Harlan, Henderson, Henry, Holmes, Houston, Hull, Huey, Jarrott, Johnson, Jones, Kent, Kercheval, Lincoln, Logan, Love, Marshall, Maus, McCormick, McMillan, Murphy of Cook, Murphy of Vermilion, Nance, Otwell, Rawalt, Read, Roberts, Robert Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Webb, Williams, and Williamson—62.

The vote being taken on agreeing to the report of the committee, it was decided in the affirmative, by ayes and noes, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Aldrich, Allen of Franklin, Allen of Green, Archer, Baker, Bowman, Brown, Carpenter, Cloud, Craig, Crain, Cunningham, Daley, Dawson, Edmonson, Edwards, Elkin, Ficklin, Gilham, Green of Greene, Hankins, Happy, Hardin, Harlan, Henderson, Henry, Holmes, Houston, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kercheval, Lincoln, Logan, Love, Lyons, Marshall, McCormick, McCutchen, Mc Millan, McWilliams, Murphy of Cook, Murphy of Vermilion, Nance, Naper, Otwell, Rawalt, Read, Roberts, Robert Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Webb, Williams, and Williamson—64.

Those who voted in the negative, are,

Messrs. Alexander, Bainbridge, Churchill, Copland, Dubois, Elliott, Emmerson, English, Fisk, Foster, Green of Clay, Gouge, Menard, Moore,

Morgan, Murphy of Perry, Pace, Roman, Simms, Turney, Wood, Zimmerman, and Mr. Speaker—23.

When,

The House adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Dawson on leave, introduced "A bill to incorporate the Sangamon Coal bank Bridge Company;" which was read, and on his motion, the rules were dispensed with, and the bill read a second time by its title, and *Ordered* to be engrossed for a third reading.

Mr. Naper on leave, introduced a bill for an act to repeal an act entitled "An act regulating Tavern and Grocery licenses," and for other purposes; which was read the first time, and on his motion, the rules were dispensed with, and the bill read a second time by its title.

Mr. McMillan moved to amend by striking out all after the enacting clause, and insert the following:

1st. That every person who shall not have a legal license to keep a grocery, who shall barter, exchange or sell, any wine, rum, or brandy, gin, whiskey, or other Vinous, Spirituous, or mixed liquors, to any person, or persons, by a less quantity than one quart, shall on conviction be fined for every offence ten dollars.

2d. That a grocery shall be deemed to include all houses and places where spirituous or vinous liquors are retailed in less quantities than one quart.

3d. The sixth section of "An act entitled, an act to regulate grocery and tavern lisences," to which this is an amendment, approved March the 2d, 1839, is hereby repealed.

Mr. Happy offered an amendment as a substitute, which was not agreed to.

Mr. Dawson moved the reference of the whole matter to the committee on Finance; which was not agreed to.

Mr. McMillan moved their reference to the committee on the Judiciary, which was agreed to.

A message from the Governor, by Mr. Field, Secretary of State.

Mr. Speaker: I am directed by the Governor to lay before the House a communication in writing.

Mr. Churchill on leave, introduced a bill for an act to amend an act entitled "An act establishing the Courts of County Commissioners;" which was read, and on his motion the rules were dispensed with, and the bill read a second time by its title, and

On motion of Mr. Henderson,

Was referred to the committee on the Judiciary.

Mr. Moore on leave, introduced a bill for an act making school commissioners elective by the people;" which was read, and on his motion the rules were dispensed with, and the bill read a second time by its title and referred to the committee on Education.

Mr. Bainbridge on leave, introduced "A bill for an act supplemental to an act to incorporate the Bainbridge Academy," approved, March 22, 1839; which was read, and,

On his motion,

The rule was dispensed with, and the bill read a second time by its title, and,

Ordered to be engrossed for a third reading.

Mr. Rawalt on leave introduced "A bill for an act supplemental to an act entitled, "An act relating to the office of recorder," approved January 8, 1839; which was read.

On his motion,

The rule was dispensed with, and the bill read a second time by its title, and referred to the commmittee on the Judiciary.

Mr. Hardin introduced a bill for "An act to amend an act, concerning estrays, approved February 9th, 1835;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Hardin,

The rule of the House was dispensed with, and the bill read a second time by its title, and

On motion of Mr. Moore,

Was referred to the committee on the Judiciary.

Mr. Murphy of Vermilion introduced a bill for "An act requiring Clerks and Recorders to reside at their county seats;" which was read the first time, and

Ordered to a second reading, and

On his further motion,

The rule of the House was dispensed with, and the bill read a second time by its title.

Mr. Murphy of Cook moved to amend the bill by adding after the word "Recorders" and "Probate Justices of the Peace," and

On motion of Mr. Murphy of Cook,

The bill together with the amendment, was referred to the committee on the Judiciary.

Mr. Stapp introduced a bill for "An act to amend an act entitled 'An act, to amend an act, prescribing the mode of summoning Grand and Petit Jurors, and defining their qualifications and duties," approved February 13th, 1835; which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Stapp,

The rule of the House was dispensed with, and the bill read a second time by its title, and

On his motion,

Referred to a select committee of Five.

Ordered, That Messrs. Murphy of Vermilion, Stapp, Harris, Pace, and Jones be that committee.

Mr. Jones introduced a bill for "An act to incorporate Georgetown in the county of Randolph;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Jones,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Edmonson introduced a bill for "An act exempting certain articles

from execution, in addition to those already exempt by the laws of this State;" which was read the first time, and

Ordered to a second reading, and on his motion,

The rule of the House was dispensed with, and the bill read a second time by its title.

Mr. Johnson moved to refer the bill to the committee on Salines; which was not agreed to.

Mr. Edmonson moved its reference to the committe on Agriculture and Manufactures; which was agreed to.

Mr. Edwards introduced a bill for "An act in relation to the State Bank of Illinois;" which was read the first time, and

Ordered to a second reading, and

On his further motion,

The rule of the House was dispensed with, and the bill read a second time, and

On his motion,

Referred to the committee on Finance.

Mr. Harlan introduced a bill for "An act for the relief of certain surities therein named;" which was read the first time, and

Ordered to a second reading, and

On his motion,

The rule of the House was dispensed with, and the bill read a second time by its title.

Mr. Churchill moved to amend the bill by adding after the word "Justice of the Peace" whenever they occur in the bill the words "or Probate Justices of the Peace."

On motion of Mr. Elkin,

The bill and amendment was referred to the committee on the Judiciary.

Mr. Read introduced a bill for "An act to organize the county of Hardin;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Read,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

The House adjourned.

FRIDAY, December 20, 1839.

House met pursuant to adjournment.

On motion of Mr. Naper,

The rule of the House was dispensed with, and the communication from the Governor enclosing the Report of the Commissioners of the Illinois and Michigan Canal, was taken up for consideration; and, together with the report of the commissioners, was read; when,

Mr. Daley moved to lay the communication, report and accompanying documents on the table; which was not agreed to.

Mr. Webb moved their reference to the committee on Canals and Canal lands; which was agreed to.

The Speaker laid before the House a communication from the Governor, enclosing documents in relation to Canal loans; which was read, and, on motion, referred to the committee on Canals and Canal Lands.

Mr. Crain from the committee on Engrossed Bills, reported as correctly Engrossed, Bills of the following titles:

"A bill for an act to re-locate part of a State road in Johnson county."

"A bill for an act to authorize William H. Piatt, administrator of James A. Piatt, deceased, to execute deeds to certain lots in the town of Monticello."

"A bill for an act to authorize Benjamin W. Pope, and William Gasaway, to build a mill-dam."

"A bill for an act to alter the State road, leading from Vincennes to Palestine."

Mr. Harris presented the petition of sundry citizens of Macoupin and Madison counties, praying for a new county; which was without reading, referred to the committee on Counties.

Mr. Churchill presented the petition of sundry citizens of La Salle county, praying a division of said county; which, on his motion, was without reading, referred to the committee on Counties.

Mr. Daley presented the petition of sundry citizens of Jersey county, praying the incorporation of a School therein named; which, on his motion, was without reading, referred to a select committee.

Ordered, That Messrs. Daley, George Smith, and Menard be that committee.

Mr. Kercheval presented the petition of citizens of Will county, praying the revival of a law for a State road therein named; which, on his motion, was without reading, referred to a select committee.

Ordered, That Messrs. Kercheval, Zimmerman, and Alexander, be that committee.

Mr. Kent presented the petition of "residents of Winnebago county, for a road from Ottawa to Belvit;"

"Of Jesse Blair and Stephen Mack of Winnebago county, for a Ferry across Rock river, at the mouth of Pickatonica at their junction;"

"Of twenty-one citizens of Winnebago county, for a toll Bridge across the Kiskwakee river, near its junction with Rock river;"

"Of Thomas B. Talcott of Winnebago county, for a Ferry across Rock river;" which, without reading, was on his motion, referred to the committee on State Roads.

Mr. Bainbridge moved an adjournment, which was not agreed to.

Mr. Johnson presented the petition of sundry inhabitants of Bond and Montgomery counties, praying the re-location of part of a State road from Greenville to Hillsboro'; which was, on his motion, without reading, referred to a committee on State Roads.

Mr. Johnson presented the petition of sundry inhabitants of Bond county, praying the re-location of a part of the State road from Greenville to Carlyle; which was, on his motion, without reading, referred to the committee on State Roads.

Mr. Henry presented the petition of J. P. Langford, asking remunera-

tion for work done for State; which, on his motion, was without reading, referred to the committee on Claims.

Mr. Hankins presented the petition of sundry citizens of Coles, Shelby and Effingham counties, praying the location of a State road therein named; which, on his motion, without reading, was referred to the committee on State Roads.

Mr. Walker of Vermilion, from the committee on Finance, to whom was referred the "Bill for an act in relation to the State Bank of Illinois," reported the same back to the House, with the following amendment, and recommended its passage.

Provided, That nothing in this act contained, shall be construed to legalize the suspension of specie payment by said bank.

Mr. Hardin moved to amend by inserting after the word "power" the words "to renew notes" which was agreed to.

Mr. Ficklin moved to refer the bill and proposed amendment to the committee on the Judiciary with the following instructions; to report a bill with the following provisions, to-wit:

1st. To enable the Bank to renew notes given directly to the Bank, was to collect instalments of one-tenth, as is now the practice and usage of the Bank.

2d. To take notes in all cases of debts due to the Bank on bills of exchange, endorsed notes, accommodation paper, and all other debts due to the Bank.

3d. And also to authorize the Bank to pay the Auditors' Warrants as is now provided by law.

Mr. Williams moved to lay the bill and proposed amendments on the table, until the 4th of July next; which was decided in the negative by ayes and noes as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Baker, Churchill, Daley, Elliott, Emmerson, Fisk, Green of Greene, Hankins, Jarrott, Maus, McCutchen, Murphy of Vermilion, Pace, Phillips, Rawalt, Read, Roman, Simms, Turney, Walker of Fulton, Williams, Wood, Zimmerman, and Mr. Speaker—26.

Those who voted in the negative, are,

Messrs. Able, Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Bowman, Brown, Carpenter, Cloud, Copland, Craig, Crain, Cunningham, Dawson, Dubois, Edmonson, Edwards, Elkin, English, Ficklin, Foster, Green of Clay, Gouge, Happy, Hardin, Harlan, Harris, Henderson, Henry, Holmes, Houston, Huey, Hull, Johnson, Kent, Lincoln, Logan, Love, McCormick, McMillan, McWilliams, Menard, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Otwell, Roberts, George Smith, Robert Smith, Starr, Thomas of McLean, Thomas of St. Clair, Walker of Vermilion, Webb, and Williamson—58.

When the House adjourned until 3 o'clock P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

On motion of Mr. Elkin,

The House dispensed with the rules in relation to the orders of the day,

and proceeded with the business of the morning, on the "Bill in relation to the State Bank of Illinois," and proposed amendments; when,

The question recurring on the motion of Mr. Ficklin, to refer with instructions, to the committee on the Judiciary.

A call of the House was demanded, which having proceeded for some time, was

On motion of Mr. Gouge, discontinued.

The ayes and noes were demanded by Mr. Walker of Vermilion, and Mr. Allen of Greene; and upon taking the question, it was decided in the negative as follows:

Those voting in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bowman, Brown, Cloud, Copland, Cunningham, Daley, Edmonson, English, Ficklin, Green of Clay, Hankins, Happy, Harris, Holmes, Houston, Love, McMillan, McWilliams, Morgan, Wood, and Zimmerman—24.

Those who voted in the negative, are,

Messrs. Able, Archer, Bainbridge, Baker, Carpenter, Churchill, Craig, Crain, Dawson, Dubois, Edwards, Elliott, Elkin, Emmerson, Fisk, Foster, Gilham, Green of Greene, Gouge, Hardin, Harlan, Henderson, Henry, Huey, Hull, Jarrott, Johnson, Kent, Lincoln, Logan, Maus, McCormick, Menard, Moore, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Nance, Otwell, Pace, Phillips, Rawalt, Read, Roberts, Roman, Simms, George Smith, Robert Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Webb, Williamson, and Mr. Speaker—57.

So the House refused to refer with instructions to the committee on the Judiciary.

Mr. Roman moved to strike out all after the enacting clause, and insert the following:

"That the suspension of specie payments by the State Bank of Illinois, is hereby legalized, so far as regards the penalty of forfeiture of its charter until otherwise provided for by law."

Mr. Happy moved to amend the amendment by adding the following proviso:

"*Provided*, That the Legislature shall at any time hereafter, when the public good may require it, have the right to alter or amend the charter of said Bank;" which was agreed to by ayes and noes as follows:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Carpenter, Churchill, Cloud, Copland, Crain, Cunningham, Daley, Edmonson, Elliott, English, Ficklin, Fisk, Foster, Green of Clay, Green of Greene, Gouge, Hankins, Happy, Harris, Houston, Lincoln, Logan, Love, Maus, McCormick, McMillan, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Pace, Rawalt, Read, Simms, Robert Smith, Turney, Walker of Fulton, Walker of Vermilion, Williamson, Wood, Zimmerman, and Mr. Speaker—49.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Archer, Baker, Bowman, Craig, Dawson, Dubois, Dunn, Edwards, Elkin, Emmerson, Gilham, Hardin, Harlan, Henderson, Henry, Holmes, Huey, Hull, Jarrott, Johnson, Jones, Lyons

Marshall, Menard, Murphy of Vermilion, Otwell, Phillips, Roberts, Roberts, George Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Webb, and Williams—38.

Mr. Murphy of Cook moved the following amendment.

"*Provided also*, That during the term of such legalized suspension, every individual in this State, shall be also exonerated from his debts and liabilities, and that the same be legalized."

Mr. Webb moved to commit the bill and amendments to a committee of the Whole House, and make it the order of the day for 7 o'clock this afternoon; which was not agreed to.

Mr. Marshall moved to lay the bill and amendments on the table; which was not agreed to.

Mr. Webb moved to refer the bill and proposed amendments to the committee on Finance, with the following instructions:

"To report a substitute for the bill modifying the Bank charter, so to authorize the Bank in closing its business, to pursue a less oppressive course, than is now required by law;" which was not agreed to.

Mr. Robert Smith moved the previous question.

And upon the question, Shall the main question be now put?

It was decided in the affirmative.

Mr Happy demanded a division of the question; which was to take the vote first on striking out all after the enacting clause.

When the ayes and noes were demanded by Mr. Walker of Vermilion, and Mr. Maus, and, was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Allen of Franklin, Craig, Crain, Fisk, Hankins, Roman, Simms, Stapp, Turney, Williams, and Zimmerman—11.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Alexander, Allen of Greene, Archer, Bainbridge, Baker, Bowman, Brown, Carpenter, Churchill, Cloud, Copland, Cunningham, Daley, Dawson, Dubois, Dunn, Edmonson, Edwards, Elliott, Elkin, Emmerson, English, Ficklin, Foster, Gilham, Green of Greene, Green of Clay, Gouge, Happy, Hardin, Harlan, Harris, Henderson, Henry, Holmes, Houston, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kercheval, Lincoln, Logan, Love, Lyons, Marshall, Maus, McCormick, McMillan, McWilliams, Menard, Moore, Morgan, Murphy of Cook, Murphy of Vermilion, Murphy of Perry, Nance, Naper, Otwell, Pace, Phillips, Rawalt, Read, Roberts, George Smith, Robert Smith, Starr, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Webb, Williamson, Wood, and Mr. Speaker—78.

So the House refused to strike out.

Mr. Daley moved to reconsider the vote on ordering the previous question; which was not agreed to.

The question then being put on ordering the bill to be engrossed and read a third time.

It was decided in the affirmative by ayes and noes as follows:

Those voting in the affirmative, are,

Messrs. Able, Aldrich, Alexander, Allen of Greene, Archer, Bainbridge, Bowman, Carpenter, Cloud, Craig, Cunningham, Dawson, Dunn, Edmonson, Edwards, Elkin, English, Fisk, Foster, Gilham, Green of Clay, Green of Greene, Gouge, Happy, Hardin, Harlan, Harris, Hender-

son, Henry, Holmes, Houston, Huey, Hull, Jarrott, Johnson, Kent, Kercheval, Lincoln, Logan, Love, Marshall, McMillan, McWilliams, Menard, Moore, Morgan, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Nance, Naper, Otwell, Phillips, Roberts, Roman, George Smith, Robert Smith, Starr, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Fulton, Walker of Vermilion, Webb, Williamson, and Mr. Speaker—67.

Those who voted in the negative, are,

Messrs. Allen of Franklin, Baker, Brown, Churchill, Copland, Crain, Daley, Dawson, Elliott, Emmerson, Hankins, Lyons, Maus, McCormick, Pace, Rawalt, Read, Simms, Stapp, Williams, Wood, and Zimmerman —22.

When,

On motion,

The House adjourned.

SATURDAY, December 21, 1839.

House met pursuant to adjournment.

Mr. Craig moved to dispense with the rule of the House, in order to take up the messages from the Senate; which was agreed to.

And the bill from the Senate for "An act to vacate the town plat of Shepherdstown," coming up for consideration,

On motion of Mr. Moore,

It was laid on the table.

The message from the Senate in relation to the appointment of a committee to investigate the affairs of the State Bank, was taken up, and the amendments of the Senate were concurred in.

Ordered, That the Clerk inform the Senate thereof.

Mr. Murphy of Cook, on leave, introduced the following resolution, which was agreed to.

Resolved, That the Governor be respectfully requested to transmit to this House, copies of any further correspondence which he may have had with the Commissioners for negotiating loans for Canal purposes, touching the sale of one million of Bonds to the United States Bank.

Mr. George Smith, on leave, introduced the following resolution,

Which was agreed to.

"*Resolved*, That it is inexpedient for this House to spend the time in dividing or making any new counties at the present session of the General Assembly, and that the committee on Counties be directed to return to the members presenting the same, all petitions for the division of counties if called for."

Mr. Lyons presented the petition of "sundry citizens of Vermilion and Champaign, praying the alteration of a State road therein named."

Which, on his motion, without reading, was referred to the committee on State Roads.

Mr. Harris presented the petition of sundry citizens of Macoupin county, praying for an alteration in a State road therein named; which,

On his motion, without reading,

Was referred to a select committee.

Ordered, That Messrs. Harris, Otwell, and English, be that committee.

Mr. Hankins presented the petition of sundry citizens of Shelby, Coles, and Effingham counties, praying the location of a State road therein named; which,

On his motion, without reading,

Was referred to the committee on State Roads.

Mr. Williamson presented the petition of sundry citizens of the State of Illinois, in relation to a State Road; which,

On his motion, without reading,

Was referred to the committee on State Roads.

Mr. Stapp presented the petition of sundry citizens of Warren county, praying the location of a State road from Appanooce in Hancock county, to Ellisville in Fulton county; which was

On his motion, without reading,

Referred to the committee on State Roads.

Mr. Happy moved to reconsider the vote taken yesterday, on ordering the bill in relation to the State Bank of Illinois, to be engrossed for a third reading.

Which was not agreed to.

Mr. Walker of Vermilion, from the committee on Finance, reported "A bill for an act, making partial appropriations."

Which was read, and

On motion of Mr. Daley,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Webb from the Judiciary committee, to whom was referred the application of William Johnson, in relation to "Free Papers," reported the same back to the House, and asked to be discharged from its further consideration, and that the petitioner have leave to withdraw his papers.

Which was agreed to.

Mr. Cloud from the committee on Canals and Canal Lands; reported a bill for "An act to authorize the Commissioners of the Illinois and Michigan Canal, to sell certain lands.

Which was read the first time, and

Ordered to a second reading.

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the passage of a bill of the following title, viz:

"An act to legalize the assessment of taxes in the county of Du Page."

Mr. Daley from the committee on Finance, to whom was referred the resolution requesting them to enquire into the expediency of making the officers of Assessors and Collectors elective by the people, report the same back to the House, and asked to be discharged from the further consideration of the same; which was granted.

Mr. Murphy of Cook to whom was referred the petition of sundry citizens of Lake county, praying for an act to incorporate the Middlesex Steam Mill Company, reported a bill for "An act to incorporate the Middlesex Steam Mill Company."

Which was read the first time, and

Ordered to a second reading, and

On his motion,

The rule of the House was dispensed with, and the bill read a second time by its title.

Mr. McMillan moved to amend the bill by adding at the end of the first section the following proviso:

Provided, That the personal property of each stockholder be bound for the contracts of such corporation.

Which amendment was agreed to, and

The bill

Ordered to be engrossed for a third reading.

Mr. Robert Smith from the select committee to whom was referred the petition of sundry citizens of Madison and St. Clair counties, praying for the repeal of an act incorporating the Northern division of the American Bottom; reported a bill for "An act to repeal an act, incorporating the Northern division of the American Bottom."

Which was read the first time, and

Ordered to a second reading, and

On his motion,

The rule of the House was dispensed with, and said bill was read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Naper from the select committee to whom was referred a certain petition of the citizens of Du Page county, praying for the change of a part of a State road in said county; reported a bill for "An act to change a part of a State road from Napersville in Du Page county, to Indian Creek in McHenry county."

Which was read the first time, and

Ordered to a second reading, and

On his motion,

The rule of the House was dispensed with, and said bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Read from the select committee to whom was referred the petitions of sundry citizens of Pope county; reported a bill for "An act in relation to Lusk Creek."

Which was read the first time, and

Ordered to a second reading, and

On his motion,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Murphy of Vermilion from the select committee to whom was referred the bill for "An act to authorize limited partnerships," reported the same back without amendment; the question being taken on

Ordering the bill to be Engrossed for a third reading,

Was decided in the negative by yeas and nays as follows:

Those voting in the affirmative, are,

Messrs. Able, Aldrich, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Bowman, Carpenter, Churchill, Craig, Cunningham, Daley, Elliott, Green of Clay, Green of Greene, Gouge, Harlan, Henderson,

Hull, Kent, Kercheval, Lincoln, Logan, McCutchen, McWilliams, Murphy of Cook, Murphy of Vermilion, Naper, Otwell, Read, Roberts, George Smith, Robert Smith, Stapp, Starr, Turney, Walker of Fulton, Walker of Vermilion, Williamson, Wood, and Zimmerman—40.

Those who voted in the negative, are,

Messrs. Alexander, Baker, Brown, Cloud, Copland, Crain, Dawson, Dubois, Dunn, Edmonson, Edwards, Elkin, Emmerson, English, Ficklin, Fisk, Foster, Gilham, Hankins, Happy, Hardin, Harris, Henry, Holmes, Houston, Huey, Jarrott, Johnson, Love, Lyons, Marshall, Maus, McCormick, McMillan, Menard, Moore, Morgan, Nance, Pace, Rawalt, Roman, Simms, Thomas of McLean, Thomas of St. Clair, Webb, Williams, and Mr. Speaker—46.

Mr. Gouge from the select committee to whom was referred the petition of sundry citizens of Macon county, praying for the re-location of a certain State road; reported a bill for "An act to re-survey a portion of the State road leading from Decatur to Danville;" which was read the first time, and

Ordered to a second reading, and

On his motion, the rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Maus from the committee on Engrossed Bills, reported as correctly Engrossed, bills of the following titles, viz:

"An act in relation to the State Bank of Illinois;"

"An act making partial appropriations;"

Mr. Hankins from the select committee to whom was referred the petition of sundry citizens of Effingham county, praying for "An act to authorize J. F. Brockett to continue his mill-dam across the Little Wabash river;" reported a bill for "An act to authorize the persons therein named to build and continue a mill-dam across the Little Wabash river;" which was read the first time, and

Ordered to a second reading, and

On his motion, the rule of the House was dispensed with, and the bill read a second time by its title, and referred to the committee on Internal Improvements.

On motion of Mr. Elkin,

Resolved, That the committee on Finance be instructed to enquire into the expediency of purchasing a residence at the Seat of Government, for the use of the Governor, and that they report by bill or otherwise.

Mr. Cloud offered for adoption the following resolution, which was not agreed to.

Resolved by the House of Representatives, the Senate concurring, That a joint committee of two on the part of the House, and one on the part of the Senate, be appointed to invite the Rev. the Clergy of Springfield to officiate alternately, in accordance with any arrangement which they may enter into among themselves, to open the daily sessions of the two Houses during the present session by prayer to Almighty God.

Mr. George Smith offered for adoption the following resolution:

Resolved by the House of Representatives, the Senate concurring herein, That neither branch of the General Assembly will receive any new busi-

ness after the sixth day of January next, and that both branches of the General Assembly will adjourn *sine die* on the fifteenth day of January, 1840.

On motion of Mr. Happy,

The resolution was amended by striking out the words "sixth" and "fifteenth," and inserting in lieu thereof, the words "fifteenth," and "thirtieth" respectively.

On motion of Mr. Elkin,

The resolution was further amended by striking out all after the words "January next."

Mr. Hardin moved to lay the resolution on the table; on which motion, the ayes and noes were demanded by Mr. George Smith, and Mr. Dubois, and the vote being taken.

It was decided in the negative, as follows:

Those voting in the affirmative, are,

Messrs. Allen of Franklin, Archer, Baker, Bowman, Churchill, Cloud, Craig, Daley, Dawson, Dunn, Edmonson, Elkin, Emmerson, English, Ficklin, Happy, Hardin, Harlan, Holmes, Hull, Johnson, Kent, Kercheval, Love, Lyons, Maus, McCormick, McCutchen, Menard, Murphy of Cook, Murphy of Vermilion, Naper, Rawalt, Turney, Walker of Vermilion, Webb, Williams, Williamson, and Wood—30.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Alexander, Allen of Greene, Bainbridge, Brown, Carpenter, Copland, Crain, Cunningham, Dubois, Edwards, Elliott, Fisk, Foster, Gilham, Green of Clay, Green of Greene, Gouge, Hankins, Harris, Henderson, Henry, Houston, Huey, Jarrott, Lincoln, Logan, Marshall, McMillan, McWilliams, Moore, Morgan, Murphy of Perry, Nance, Otwell, Pace, Read, Roberts, Roman, Simms, George Smith, Robert Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Zimmerman, and Mr. Speaker—50.

When the resolution as amended was adopted.

Ordered, That the Clerk inform the Senate thereof, and request their concurrence therein.

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have passed a bill of the following title, viz:

"An act making partial appropriations."

In the passage of which, they ask the concurrence of the House.

Mr. Murphy of Vermilion, introduced the following resolution:

"*Resolved*, That it is inexpedient at this session of the Legislature to act on the subject of altering, vacating, locating, or re-locating State roads, and that the committee on State roads be instructed to return all petitions in their hands on that subject to the members presenting the same if called for;" which was not agreed to.

On motion of Mr. Webb,

"*Resolved*, That the Governor be requested to cause to be prepared and report to this House, a tabular statement containing the following information, viz:

1st. The number of State Bonds for the payment of dollars, and the amount of each which have been executed, the number and amount of which have been sold, and at what places the principal and interest are

made payable; and the amount of money realized, or to be realized by the State on such sales.

2d. The number of State Bonds for the payment of pounds sterling, (or funds of other denominations) and the amount of each which have been executed; the number and amount which have been sold, and at what places the principal and interest are made payable; and the amount of money in dollars and cents realized, and to be realized by the State on such sales, specifying such sales as are conditional, and require confirmation or approbation of the State or its authorities, specifying also, and dividing such information under the proper heads of Canal Bonds, Bank Bonds, Internal Improvement Bonds, &c. Also, the value in dollars and cents of the pound sterling, or the rate at which the same is received or directed to be received at the Treasury of the United States."

On motion of Mr. Henderson,

"*Resolved*, That the committee on Education be instructed to enquire into the expediency of reporting a bill, authorizing two or more adjoining townships to unite for the purpose of forming a School, allowing each scholar in such school to draw money from his or her township, to pay for the tuition of each scholar in the school so taught in such adjacent township."

On motion of Mr. Marshall,

"*Resolved*, That so much of the Governor's Message as relates to the Bank of Illinois be referred to the committee on Finance, with instructions to report a bill in accordance with the recommendation of the message."

Mr. Daley moved for adoption the following resolution:

"*Resolved*, That the committee on the Judiciary, be instructed to enquire into the expediency of making the Bank of Illinois the fiscal agent of the State in the collection, receipt, transfer, and disbursement of the State; and that they report by bill or otherwise;" which,

On motion of Mr. Stapp,

Was laid on the table.

Mr. Moore presented the following resolution:

"*Resolved*, That the use of this Hall be hereafter reserved for the meeting of committees on every night in the week after this (Saturday) night."

Mr. Baker moved to lay it on the table; which was not agreed to.

Mr. Lincoln moved to strike out "every night" and insert Mondays, Wednesdays, and Fridays; which was agreed to.

And the resolution as amended, was adopted.

On motion of Mr. Williams,

The following preamble and resolution was adopted.

"*Whereas*, from the distance between the Senate chamber and that of this House, it has become necessary that the Clerk or Assistant Clerk should be absent from the House a considerable portion of the time in carrying and delivering messages to the Senate. Therefore, for the purpose of relieving the Clerk of the House,"

Be it resolved, That Andrew Johnson be appointed to read the bills, messages, and communications, &c., for this House."

On motion of Mr. Ficklin,

The following preamble and resolutions were adopted.

"*Whereas*, The people of the State of Illinois feel a deep and abiding interest in the prosecution and final completion of the Cumberland road through the State,"

And whereas, appropriations heretofore have been made at so late a period, as to preclude an energetic prosecution of the work,

And whereas, at the last session of Congress, no appropriation was made for the above object, Therefore,

1st. *Resolved by the House of Representatives, the Senate concurring herein*, That our Representatives in Congress be requested, and our Senators instructed to use their best exertions to procure an ample appropriation for the improvement of the Cumberland road during the year 1840.

2d. *Resolved*, That our members in Congress bring said measure before Congress at as early a period as practicable, and urge its speedy passage.

3d. *Resolved*, That his Excellency, Thomas Carlin, be requested to transmit to each of our members in Congress a copy of this preamble and resolutions,"

Mr. Stapp offered for adoption the following resolutions:

Resolved by the House of Representatives, the Senate, concurring herein, That both Houses of the General Assembly will meet in the Representatives' Hall on at 2 o'clock, P. M., and vote for or against the adoption of the following resolution, viz:

Resolved by the General Assembly of the State of Illinois, two-thirds concurring herein, That it be recommended to the electors of the State of Illinois at the next general election, for members of the General Assembly to vote for or against a Convention to amend the Constitution of this State; which,

On motion of Mr. Williams,

Was referred to the committee on the Judiciary.

Mr. Henderson asked and obtained leave of absence for Mr. Maus.

When the House adjourned.

MONDAY, December 23, 1839.

House met pursuant to adjournment.

On motion of Mr. Lincoln,

The vote taken on the resolution, introduced on Saturday last, by Mr. Cloud, was re-considered and the resolution taken up for consideration.

Mr. Murphy of Cook, moved to amend the resolution by adding the following:

Provided, That each of said clergy be paid from the funds of the State, five dollars per day for each day they give their attendance.

Which was not agreed to.

Mr. Rawalt moved the adoption of the following amendment:

Provided, That the prayer known as the "Lords Prayer," be used only.

Which was not agreed to.

The ayes and noes being demanded on the passage of the resolution:

It was decided in the affirmative, as follows:

Those voting in the affirmative, are,

Messrs. Aldrich, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Baker, Brown, Craig, Cunningham, Daley, Dawson, Dunn, Elliott, Elkin, Emmerson, English, Ficklin, Gilham, Green of Clay, Greene of Greene, Gouge, Hardin, Henderson, Holmes, Houston, Huey, Johnson, Kent, Lincoln, Logan, Love, McMillan, McWilliams, Moore, Murphy of Perry, Murphy of Vermilion, Nance, Otwell, Phillips, Read, Roberts, George Smith, Robert Smith, Stapp, Starr, Thomas of McLean, Walker of Fulton, Walker of Vermilion, Williams and Mr. Speaker—50.

Those who voted in the negative, are,

Messrs. Able, Alexander, Bowman, Carpenter, Churchill, Copland, Crain, Dubois, Edmonson, Edwards, Fisk, Hankins, Happy, Harlan, Harris, Henry, Hull, Jarrott, Kercheval, Lyons, Marshall, McCormick, McCutchen, Menard, Morgan, Murphy of Cook, Naper, Pace, Rawalt, Roman, Simms, Thomas of St. Clair, Turney, Webb, Williamson, Wood, and Zimmerman—37.

A message from the Governor, by Mr. Field, Secretary of State.

Mr. Speaker: I am directed by the Governor to lay before the House a written communication,

Mr. Ficklin moved that the rule of the House be dispensed with, and that communications from the Governor and others be taken up.

Which was agreed to.

The Speaker laid before the House a communication from the Commissioners of the Illinois and Michigan Canal; which was read, and

On motion of Mr. Rawalt,

Was laid on the table.

The Speaker laid before the House a communication from the Governor, in answer to a call from the House for certain information; which was read, and

On motion of Mr George Smith, was

Laid on the table and one hundred and fifty copies ordered to be printed.

The Speaker laid before the House a communication from M. K. Alexander, Commissioner of the 4th Judicial circuit; which was read, and

On motion of Mr. Bowman,

Referred to the committee on Internal Improvements.

The chair laid before the House a communication from Joseph Fawcett, and others

Which was read, and

On motion of Mr. Walker of Vermilion,

Referred to the Committee on Salines.

The Speaker laid before the House the following communication:

STATE BANK OF ILLINOIS,

Springfield, December 20, 1839.

To the Hon. the SPEKER

of the House of Representatives.

SIR: Herewith I hand you a memorial to the General Assemby of the Directors of the State Bank of Illinois, which you will please lay before the House of Representatives.

Very respectfully,

Your obedient servant,

N. H. RIDGELY, *Cashier.*

Which with the memorial enclosed, was read, and

On motion of Mr. Moore,

Referred to the committee on Finance.

The Speaker laid before the House a communication from the Secretary of the Board of Public Works, enclosing a tabular statement of liabilities of the State, together with the probable amount of money necessary to complete contracts in continuous lines from navigable rivers.

Which being read,

Mr. Moore moved to lay on the table and print.

Mr. Ficklin moved its reference to the committee on Internal Improvements;

Which was agreed to.

The Speaker laid before the House a communication from the Fund Commissioners of Illinois, which being partially read, was,

On motion of Mr. Williams,

Referred to the committee on Judiciary.

The Speaker laid before the House a communication from the Governor, in answer to a call from the House for information in relation to the "charges of agents employed to negotiate loans."

Which being read,

On motion of Mr. Ficklin,

Was referred to the committee on Canals and Canal Lands.

The Speaker laid before the House a communication from the Governor, in relation to the Suspension of Specie payments by the Bank of Illinois,

Which being read,

On motion of Mr. Baker,

Was laid on the table.

Mr. Baker further moved to print 10,000 copies of the Governor's communication.

Which was not agreed to.

Mr. Turney moved to print one thousand copies; which was not agreed to.

Mr. Webb moved the printing of five hundred copies;

Which was not agreed to.

Mr. Elkin moved to re-consider the vote on laying the communication on the table;

Which was agreed to.

Mr. Marshall moved to refer the communication to a select committee of seven.

Which was agreed to.

Ordered, That Messrs. Marshall, Dunn, Allen of Franklin, Turney, Webb, Gouge, and Robert Smith, be that committee.

Mr. Stapp presented the memorial of Citizens of Henry county, praying that commissioners be appointed to re-locate the county seat of said county.

Which, without reading, was on his motion, referred to a select committee.

Ordered, That Messrs. Stapp, Kercheval, and Edmonson be that committee.

Mr. Stapp also presented the memorial of the County Commissioners

Court of Henry county, praying that certain acts of the officers of said county be legalized and for other purposes; which,

On his motion,

Was without reading, referred to the same select committee to which was referred the above memorial.

The House adjourned till two o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Murphy of Cook,

The bill from the Senate making "Partial appropriations," was taken up and read the first time, and

Ordered to a second reading.

On his further motion,

The rule of the House was dispensed with, and the bill read a second time by its title.

Mr. Stapp moved to strike out $100 and insert $50; which was not agreed to.

Mr. Roman moved the indefinite postponement of the bill.

The ayes and noes being demanded on this question, it was decided in the negative as follows:

Those voting in the affirmative, are,

Messrs. Alexander, Baker, Daley, Dawson, Elliott, English, Fisk, Gilham, Hardin, Henry, Houston, Jarrott, Menard, Morgan, Murphy of Vermilion, Otwell, Pace, Rawalt, Roman, Simms, Stapp, Thomas of St. Clair, Walker of Vermilion, and Williams—24.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Allen of Franklin, Allen of Greene, Bainbridge, Bowman, Brown, Carpenter, Churchill, Copland, Craig, Crain, Cunningham, Dubois, Dunn, Edmonson, Edwards, Elkin, Emmerson, Ficklin, Green of Greene, Gouge, Hankins, Happy, Harlan, Harris, Henderson, Holmes, Huey, ohnson, Kent, Kercheval, Lincoln, Logan, Love, Marshall, McCormick, Mc Cutchen, McMillan, McWilliams, Moore, Murphy of Cook, Murphy of Perry, Nance, Naper, Phillips, Read, Roberts, George Smith, Robert Smith, Starr, Turney, Williamson, Wood, Zimmerman, and Mr. Speaker, —57.

Mr. Murphy of Cook moved further to dispense with the rules of the House and read the bill now the third time by its title; which was agreed to.

And on the passage of the bill the ayes and noes were demanded, and were as follows:

Those voting in the affirmative, are,

Messrs. Able, Aldrich, Allen of Greene, Allen of Franklin, Bainbridge, Bowman, Brown, Carpenter, Churchill, Copland, Craig, Crain, Cunningham, Dawson, Dubois, Dunn, Edmonson, Edwards, Elkin, Emmerson, Ficklin, Fisk, Green of Greene, Gouge, Hankins, Happy, Harlan, Harris, Henderson, Holmes, Huey, Kent, Kercheval, Lincoln, Logan, Love, Marshall, McCormick, McCutchen, McMillan, McWilliams, Moore Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Nance, Naper,

Phillips, Rawalt, Read, Roberts, George Smith, Starr, Turney, Walker of Vermilion, Williamson, Wood, Zimmerman, and Mr. Speaker—59.

Those who voted in the negative, are,

Messrs. Alexander, Archer, Baker, Daley, Elliott, English, Gilham, Hardin, Henry, Houston, Jarrott, Johnson, Menard, Morgan, Otwell, Pace, Roman, Simms, Robert Smith, Stapp, Thomas of St. Clair, Thomas of McLean, and Williams—23.

The rule of the House being dispensed with for that purpose,

Mr. Hardin asked, and obtained leave to introduce the following resolutions:

Resolved, That the House of Representatives will forthwith proceed to hear the testimony in relation to the contested seat from Pike county, at the bar of the House, and the following shall be the rules by which the House will be governed in the examination.

1st. Previous to entering upon the examination, the House shall resolve itself into committee of the Whole; the witnesses shall be called to the bar of the House, one at a time, sworn and examined, and shall then immediately leave the House.

2d. There shall be appointed by the Speaker of the House, three members as examiners, whose duty it shall be to conduct the examination of said witnesses for both the claimants.

3d. Any member may propound questions to any witness after the examiners have ceased to examine said witness, which question shall be put by the examiners.

4th. If any question shall be put by the examiners, or by any member, and the same shall be objected to by the witness or any two members of the House, the same shall be decided by the examiners.

5th. The House shall continue said examination from day to day, until the whole testimony shall be heard; at which time the committee of the Whole shall rise, the Speaker of the House shall resume the chair, and the House then decide which of the claimants is entitled to the seat.

Mr. Walker of Vermilion offered for adoption the following amendment by striking out all after the word "resolved," and insert, that a select committe of nine be appointed to hear and report to this House the evidence in the case of the contested seat from Pike; with instructions to take down and report to the House, the testimony which may be given in the case by questions and answers."

Which was not ageeed to.

On motion of Mr. Williams,

The following amendment was adopted.

And that Richard Kerr be permitted to take a seat within the bar of the House, pending the examination of the witnesses in said case.

Mr. Walker of Vermilion, moved to lay the resolution and amendment on the table,

Which was not agreed to.

And the question being put on the adoption of the resolution as amended was decided in the affirmative.

In pursuance of the above order, the Speaker appointed Messrs. Hardin, Walker of Vermilion, and Carpenter to conduct the examination of witnesses in said investigation.

Mr. Stapp from the committee on engrossed bills, reported as correctly engrosssd, bills of the following titles, viz:

"An act permanently to locate the seat of Justice of the county of DeKalb."

"An act fixing the times of holding the Spring terms of the Circuit Courts, in the counties of Coles and Champaign, and authorizing an additional term of the Circuit Courts of Vermilion and Edgar."

"An act to re-locate part of a State road therein named."

The engrossed bill for "An act making partial appropriations," was,

On motion of Mr. Moore,

Laid upon the table.

The engrossed bill for "An act in relation to the State Bank of Illinois," was read a third time.

Mr. English moved to amend the bill by adding after the word "paper," in the 4th line the words "to its debtors not exceeding the amount of their indebtedness," which amendment was not agreed to; the question was then taken on the passage of the bill, and decided in the affirmative by yeas and nays, as follows, viz:

Those voting in the affirmative, are,

Messrs. Able, Aldrich, Allen of Greene, Archer, Bowman, Carpenter, Craig, Cunningham, Dawson, Dubois, Dunn, Edmonson, Edwards, Elkin, Emmerson, Ficklin, Gilham, Green of Clay, Green of Greene, Gouge, Happy, Hardin, Harlan, Harris, Henderson, Henry Holmes, Huey, Hull, Jarrott, Johnson, Kent, Kircheval, Lincoln, Logan, Love, McMillan, Mc Williams, Menard, Morgan, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Nance, Naper, Otwell, Phillips, Read, Roberts, Roman, George Smith, Robert Smith, Starr, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Vermilion, Webb, Williamson and Mr. Speaker —61.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Bainbridge, Baker, Brown, Churchill Copland, Crain, Daley, Elliott, English, Fisk, Hankins, Houston, McCormick, McCutchen, Moore, Pace, Rawalt, Simms, Stapp, Williams, Wood, and Zimmerman—24.

Ordered, That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the passage thereof, and ask their concurrence therein.

Mr. Rawalt asked leave of absence for Mr. Walker of Fulton, for five days, which was granted.

The engrossed bills, entitled:

"An act to vacate a part of a State road in Scott county;"

"An act authorizing the School Commissioners of Greene county to sell a section of land therein named;"

"An act to legalize the survey and re-location of part of a State road therein named;"

"An act to authorize William H. Piatt, administrator of James A. Piatt, deceased, to execute deeds to certain lots in the town of Monticello;"

"An act to alter the State road leading from Vincennes to Palestine;"

"An act to re-locate part of a State road in Johnson county;"

"An act to amend an act entitled an act to increase the corporate powers of the town of Chester;"

Were severally read a third time, and passed.

Ordered, That the titles be as aforesaid, and that the Clerk inform the Senate of the passage thereof, and ask their concurrence therein.

The engrossed bill, for "An act to authorize Benjamin W. Pope and William Gassaway to build a mill dam;" was read the third time.

Mr. Roman moved to amend the bill by adding the following, "Provided that said dam shall not in any manner impede the navigation of said stream;" which was not agreed to.

The bill was then passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate of the passage thereof, and ask their concurrence therein.

A bill for "An act to distribute the School fund to the several counties in this State;" was read a second time.

Mr. Dawson moved the indefinite postponement of the bill which was decided in the negative by yeas and nays, as follows, viz:

Those voting in the affirmative, are,

Messrs. Able, Aldrich, Baker, Craig, Dawson, Dubois, Edwards, Elkin, Gilham, Gouge, Hardin, Harlan, Henderson, Henry, Holmes, Hull, Jarrott, Kent, Kercheval, Lincoln, Marshall, McCormick, McCutchen, Menard, Murphy of Cook, Naper, Otwell, Pace, Rawalt, Roberts, George Smith, Stapp, Starr, Thomas of McLean, Webb, Williams, Wood and Zimmerman—38.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Bowman, Brown, Carpenter, Churchill, Copland, Crain, Cunningham, Daley, Dunn, Edmonson, Elliott, Emmerson, English, Ficklin, Fisk, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Huey, Johnson, Logan, Love, McMillan, McWilliams, Moore, Morgan, Murphy of Perry, Murphy of Vermilion, Read, Roman, Simms, Robert Smith, Thomas of St. Clair, Turney, Walker of Vermilion, Williamson, and Mr. Speaker—46.

Mr. Moore moved to commit the bill to the committee of the Whole House and make it the order of the day for Monday next; which was not agreed to.

Mr. Dawson moved to refer the bill to a select committee of five; which was not agreed to.

Mr. Turney moved to lay the bill on the table, and one hundred and fifty copies be printed for the use of the House.

Mr. Hardin called for a division of the question.

The question being taken on laying on the table; was decided in the affirmative.

The question was then taken on the motion to print, and decided in the negative.

The House adjourned.

TUESDAY, December 24, 1839.

House met pursuant to adjournment.

A message was received from the Governor, by Mr. Field, Secretary of State:

Mr. Speaker: I am directed by the Governor to lay before the House a written communication.

On motion of Mr. Williams,

The House resolved itself into a committee of the Whole, in conformity with the resolution of yesterday, on the case of the contested seat from Pike county; and, after some time spent therein, the Speaker resumed the chair, and Mr. Edwards, their chairman, reported that the committee had had the same under consideration, made some progress therein, and asked leave to sit again; which was granted.

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that they have concurred with them in the adoption of the House Resolution, providing "that no report made to either House, except the same be made by a committee of such House be spread on the Journals, unless so ordered by the House, &c."

They have also concurred with them in the passage of the bill entitled "An act to amend an act, establishing the county of Williamson;" approved, February 28th, 1839."

They have indefinitely postponed the further consideration of the bill entitled

"An act to vacate a part of the plat of the town of Shepherdstown."

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that they have adopted the following resolution, viz:

Resolved by the Senate, the House of Representatives concurring herein, That our Senators in Congress be instructed, and our Representatives requested to use their best exertions to procure the repeal of the duty of ten cents per bushel upon imported Salt, and also a repeal of the duty on Sugar."

In the adoption of which resolution, they ask the concurrence of the House of Representatives.

They have also passed bills of the following titles, viz:

"An act to authorize the county Court of Lawrence county, to build a bridge across the Embarrass river;"

"An act supplemental to an act to authorize the county Commissioners to construct certain roads in Greene county;"

"An act to change the name of the town of Columbus in the county of Randolph;" and

"An act authorizing an additional Justice of the Peace in the La Harpe district, in Hancock county."

In the passage of which several bills, they ask the concurrence of the House of Representatives.

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The Speaker laid before the House a communication from the Inspectors of the Penitentiary, which was read, and

On motion of Mr. Robert Smith,

Referred to a select committee of one, from each Judicial circuit in this State.

Ordered, That Messrs. Craig, Brown, Allen of Greene, Hankins, Wood, Alexander, Naper, Henderson, and Dawson, be that committee.

The Speaker laid before the House a communication from the Governor, enclosing a contract made by agents of this State and "Poughkeepsie Locomotive Engine Company," and other papers; which were read, and

On motion of Mr. Murphy of Vermilion,

Referred to the committee on the Judiciary.

On motion of Mr Murphy of Vermilion,

The House again resolved itself into a committee of the Whole on the case of the contested seat from Pike county; and after some time spent therein, Mr. Edwards, their Chairman, reported.

Whereupon,

Mr. Murphy of Vermilion, offered for adoption the following resolution:

Resolved, That Richard Kerr, is entitled to his seat in this House, as a Representative from Pike county.

Mr. Naper moved that the House adjourn till Thursday morning 10 o'clock; which was not agreed to.

Mr. Walker of Vermilion, moved that the House adjourn till Thursday morning 11 o'clock; which was not agreed to.

Mr. Daley moved that the House adjourn; which was not agreed to.

On motion of Mr. Happy,

The House adjourned till 7 o'clock this evening.

SEVEN O'CLOCK, P. M.

The House met pursuant to adjournment.

The resolution offered by Mr. Murphy, in relation to the contested seat in Pike county, coming up for consideration,

Mr. Walker demanded a call of the House, which being continued for some time, was

On motion of Mr Walker of Vermilion, discontinued, and

The question being on the adoption of the resolution, Mr. Moore and Mr. Lyons demanded the ayes and nayes; which were as follows:

Those voting in the affirmative, are,

Messrs. Aldrich, Alexander, Archer, Baker, Bowman, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Gilham, Hardin, Harlan, Henderson, Henry, Holmes, Houston, Hull, Jarrott, Johnson, Kent, Lincoln, Lyons, Marshall, McCormick, McCutchen, McMillan, Menard, Murphy of Vermilion, Otwell, Phillips, Rawalt, Read, Roberts, George Smith, Stapp, Starr, Thomas of McLean, Webb, and Williams—44.

Those who voted in the negative, are,

Messrs. Able, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Carpenter, Churchill, Cloud, Copland, Crain, Daley, Edmonson, English, Ficklin, Fisk, Foster, Green of Clay, Green of Greene, Gouge, Hankins, Happy, Harris, Huey, Kercheval, Logan, McWilliams, Moore, Morgan,

Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Roman, Simms, Robert Smith, Thomas of St. Clair, Turney, Walker of Vermilion, Williamson, Wood, Zimmerman and Mr. Speaker—43.

So the resolution was adopted.

When,

On motion of Mr. Naper,

The House adjourned till Thursday, 10 o'clock, A. M.

THURSDAY, December 26, 1839.

The House met pursuant to adjournment.

Mr. Elkin asked and obtained leave of absence for Mr. McMillan, a Representative from Edgar county.

Mr. Churchill demanded a call of the House, which being continued till a quorum appeared, was dispensed with.

Mr. Otwell asked and obtained leave of absence for Mr. Robert Smith.

Mr. Turney presented the petition of Messrs. Leech and Smith; which, on his motion, without reading, was referred to a select committee.

Ordered, That Messrs. Turney, Starr, and Walker of Vermilion be that committee.

Mr. Churchill presented the petition of sundry citizens of De Kalb county, for the location of a State road in the same; which, on his motion, without reading, was referred to the committee on State roads.

Mr. Churchill presented the petition of sundry inhabitants of La Salle county, concerning the Internal Improvement system; which, without reading, was on his motion, referred to the committee on Internal Improvements.

Mr. Stapp presented the petition of sundry citizens of Henry county, praying the location of a State road therein named; which was, on his motion, without reading, referred to the committee on State roads.

Also, a petition of the same title, which, without reading, was on his motion, referred to the committee on State roads.

Mr. Dubois presented the petition of Dr. Anderson; which, without reading, was on his motion, referred to a select committee.

Ordered, That Messrs. Dubois, Houston, and Phillips be that committee.

Mr. Otwell presented the petition of a portion of the citizens of Madison county, in relation to the system of Internal Improvement; which was referred without reading, on his motion, to the committee on Internal Improvements.

Mr. Brown presented the petition of sundry citizens of Brown county, praying a change in part of a certain State road therein named; which was referred on his motion, without reading, to the committee on State roads.

Mr. Craig presented the petition of Hugh Wallace, relative to the Public Works in the sixth Judicial district of this State; which, on his motion, was without reading, referred to a select committee of Five.

Ordered, That Messrs. Craig, Henderson, Churchill, Kent, and Harlan be that committee.

Mr. Gilham presented a petition for a mill-dam on Big Sandy; which was referred, on his motion, without reading, to a select committee.

Ordered, That Messrs. Gilham, Holmes, and Green of Greene be that committee.

Mr. Hardin from the committee on Judiciary reported "A bill for an act to provide for the auditing and settling the accounts of public officers; which was read, and

Ordered to a second reading.

On motion of Mr. Hardin,

The rule of the House was dispensed with, and the bill was now read a second time by its title, and

On motion of Mr. Hardin,

The bill was amended by the following additional section.

"Sec. 26th. Each one of the said accounting officers shall be allowed the sum of dollars for each day he may be necessarily employed in discharging the duties required by this act. And said accounting officers shall not receive any compensation for travelling expenses."

On motion of Mr. Naper,

The bill was laid on the table, and 150 copies of the same were ordered to be printed for the use of this House.

Mr. Webb from the committee on Judiciary, to whom was referred "A bill for an act, requiring Clerks and Recorders to reside at their county Seats; reported the same with amendments; which were agreed to; and the bill was

Ordered to be engrossed for a third reading.

Mr. Webb from the Judiciary committee to whom was referred the "Bill for an act for the relief of certain sureties therein named; reported the same back to the House with amendments, which were read, and concurred in; and the bill as amended was

Ordered to be engrossed for a third reading.

Mr. Fisk from the committee on the Judiciary, to whom was referred "A bill for an act concerning attachments; reported the same without amendment; when the bill was read a second time, and

Ordered to be engrossed for a third reading.

Mr. Williams from the committee on Finance, to whom was referred a resolution, instructing that committee to enquire whether or not the Shawneetown Bank has suspended specie payments; reported the same back to the House, and asked to be discharged from the further consideration thereof; which was granted.

Mr. Hardin from the committee on the Judiciary, to whom was referred the "Bill for an act to amend an act, entitled 'An act establishing the Courts and county Commissioners;" reported the same back to the House without amendment; which was read, and

Ordered to be engrossed and read a third time.

Mr. Webb from the committee on the Judiciary, to whom was referred "A bill for an act to repeal an act, entitled 'An act, regulating tavern and grocery license, and for other purposes; reported a substitute for the bill entitled "A bill for an act concerning groceries, and recommended its passage.

Mr. Henry moved to amend the report by striking out one quart wherever it occurs in the report; which was not agreed to.

Mr. Lincoln moved to amend the report by striking out the third section, and the words "and trustees of incorporated towns" whenever they occur in the report; which was agreed to.

Mr. Naper moved to amend the report by striking out "twenty-five," and inserting "ten."

Mr. Pace demanded a division of the question, so as to take the vote on striking out; the vote being taken on striking out, was decided in the negative.

Mr. Walker of Vermilion moved to amend the report by adding to the end of the first section, the following proviso."

Provided, That if a majority of the qualified votes of the incorporated towns, Justices district, or Ward of any city in which said grocery is to be licensed, shall remonstrate against the granting of such license, the same shall not be granted; which amendment was decided in the negative by yeas and nays, upon the call of Messrs. Edwards and Pace as follows, viz:

Those voting in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Bowman, Brown, Cloud, Copland, Craig, Cunningham, Daley, Elliott, Elkin, Emmerson, English, Green of Clay, Hankins, Henderson, Houston, Huey, Johnson, Kent, Kerr, Logan, McCutchen, McWilliams, Menard, Morgan, Murphy of Perry, Murphy of Vermilion, Otwell, Pace, Roberts, George Smith, Stapp, Starr, Walker of Vermilion, and Webb —39.

Those who voted in the negative, are,

Messrs. Able, Bainbridge, Baker, Churchill, Crain, Dawson, Dubois, Edwards, Ficklin, Fisk, Gilham, Green of Greene, Gouge, Hardin, Harlan, Henry, Holmes, Jarrott, Jones, Kercheval, Lincoln, Marshall, McCormick, Moore, Nance, Naper, Phillips, Rawalt, Read, Roman, Simms, Thomas of McLean, Thomas of St. Clair, Turney, Williams, Williamson, Wood, Zimmerman, and Mr. Speaker—39.

Mr. Naper moved that the House adjourn; which was not agreed to.

Mr. Dubois moved to amend the report by striking out all after the enacting clause, and insert the following:

"Sec. 1. That all laws in relation to granting grocery license, are hereby repealed."

"Sec. 2. The county Commissioners' Courts, of all the counties in the State, are hereby vested with full power to grant or refuse license to keep taverns in their respective counties at their discretion."

Provided, That no license shall be granted, unless the sum of ten dollars or more shall be paid into the county Treasury by the applicant.

Mr. Elkin moved to commit the report together with the amendments to the committee of the Whole House; which was not agreed to.

Mr. Naper moved to adjourn; which was not agreed to.

Mr. Rawalt moved to adjourn till 2 o'clock, which was not agreed to.

Mr. Stapp moved to lay the amendment proposed by Mr. Dubois on the table, which was agreed to.

Mr. Bowman moved to amend the report by striking out all after the enacting clause, and insert the following:

"SEC. 1. That a grocery shall be deemed to include all Houses where spirituous and vinous liquors are sold by a less quantity than one quart."

"SEC. 2. That the 12th section of the Criminal Code shall be construed to extend to grocery keepers."

"SEC. 3. That the 6th section of an act entitled "An act, regulating tavern and grocery licenses, approved March 2, 1839, be repealed;" which was not agreed to.

Mr. Johnson moved to amend the report by adding after the word "license" in the 1st section, the words "to such persons as are of good fame and moral character."

Mr. Alexander moved the previous question, which was agreed to.

The question was then taken on concurring with the committee in their report as amended, and decided in the affirmative, by yeas and nays upon the call of Messrs. Edwards, and Naper.

Those who voted in the affirmative, are,

Messrs. Able, Alexander, Allen of Greene, Baker, Churchill, Cloud, Copland, Craig, Dawson, Edwards, Elliott, Elkin, English, Fisk, Gilham, Green of Clay, Hardin, Harlan, Henderson, Henry, Houston, Huey, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Logan, Marshall, Menard, Moore, Morgan, Murphy of Perry, Nance, Otwell, Rawalt, Roman, Geo. Smith, Stapp, Starr, Thomas of McLean, Walker of Vermilion, Williams, Williamson, Wood, Zimmerman, and Mr. Speaker—48.

Those who voted in the negative, are,

Messrs. Allen of Franklin, Archer, Bainbridge, Bowman, Brown, Crain, Cunningham, Daley, Dubois, Emmerson, Ficklin, Green of Greene, Gouge, Holmes, Kercheval, McCormick, McCutchen, McWilliams, Murphy of Cook, Murphy of Vermilion, Naper, Pace, Phillips, Read, Roberts, Simms, Thomas of St. Clair, Turney and Webb—29.

The bill was then

Ordered to be engrossed for a third reading.

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that they have adopted the following resolution, viz:

"*Resolved by the Senate, the House of Representatives concurring herein,* That the committee on the Judiciary in the Senate, and the committee on the Judiciary in the House be appointed a joint committee on the part of the two Houses, to examine into the condition of the Fund Commissioners office, and report thereon. Also, that said committees be instructed to examine all contracts made by the Fund Commissioners for the sale of the State Bonds since the adjournment of the Legislature in March last, and report whether said sales have been made in conformity to law, and whether the State is, or is not bound to ratify the same. Also, to examine all contracts made for the sale of State Bonds, on account of the Illinois and Michigan Canal, and report whether they have been made in conformity with law, and whether the State is, or is not, bound thereby."

In the adoption of which resolution, they ask the concurrence of the House.

They have also adopted the following resolution, viz:

"*Resolved,* That the House of Representatives be requested to furnish this Senate with a copy of the report of the Board of Canal Commissioners."

The Chair appointed Mr. Turney a member of the committee on Internal Improvements.

The Chair appointed Mr. Kerr, to fill the place of Mr. Love on such committees as he was a member of.

On motion of Mr. Alexander,

The foregoing message from the Senate was taken up, and the resolutions concurred in.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Elkin,

The House adjourned.

FRIDAY, December 27, 1839.

House met pursuant to adjournment.

Mr. Dunn asked and obtained leave of absence for Mr. Read a representative from the county of Pope.

Mr. Moore asked and obtained leave of absence for Mr. Gouge a representative from Macon.

Mr. Fisk presented the petition of citizens of Fayette county, praying a change in a State road in said county; which on his motion, was referred without reading, to a select committee.

Ordered, That Messrs. Hankins, Fisk, and Green of Clay, be that committee.

Mr. Fisk presented the petition of the citizens of Montgomery county, praying a change in a certain State road therein named; which on his motion, was referred, without reading, to the committee on State Roads.

Mr. Kent presented the petition of John A. Clark, for a toll bridge across Picatonica River, at Freeport, in Stephenson county; which on his motion, without reading, was referred to the committee on State Roads.

Mr. Crain from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles, viz:

"An act in relation to Lusk Creek;"

"An act supplemental to an act to incorporate the Bainbridge Academy, Approved March 2, 1839;"

"An act to change part of a State road from Naperville, in DuPage county, to Indian creek in McHenry county;"

"An act to re-survey a portion of the State road leading from Decatur to Danville;"

"An act to repeal an act incorporating the Northern division of the American Bottom;"

"An act to organize the county of Hardin;"

"An act to incorporate the Middlesex Steam Mill Company;"

"An act to incorporate the Sangamon Coal Bank Bridge Company;"

"An act to incorporate Georgetown, in the county of Randolph;"

Mr. McWilliams presented the remonstrance of certain citizens of Pike county, against a review of a State road therein named; which on his motion, was referred, without reading, to the committee on State Roads.

Mr. Ficklin from the committee on Internal Improvements, to which was referred a series of communications, have according to order, had un-

der consideration the reports of the Board of Public Works, together with accompanying documents, and beg leave to report:

That after an examination into the various documents referred to them by the House, they deem it unnecessary at the present to publish more than the exibits marked A, B, C, and D, by the printing of which the House and the People generally will be informed as to the amount of money expended, the amount now due by the State, and the number of miles of railroad let by the Commissioners to Contractors.

The reports of the several Commissioners are too voluminous to have them printed with expedition, or to be read when printed by the mass of the people, consisting mainly of accounts in detail of money expended by them.

A practice seems to have been adopted to some extent by the Commissioners of taking receipts in full from contractors for their estimates, and having the amount so receipted for by the contractor, passed to the credit of the particular Commissioner by the Board, when it is acknowledged in the report that the money was not paid by the Commissioners to the contractor agreeable to the receipts.

Your committee would suggest two objections to this course, first, the report does not show the House the difference between the sum of money received by the Commissioner and the amount disbursed by him; Second, Inasmuch as the State has notice that receipts are given when the money has not been paid to the laborer, would it not create an equity so strong, that if the Commissioner failed to pay the contractors, the State would be certain to make an appropriation out of the Treasury for the relief of individuals. Again, if the Board of Commissioners passed the amount receipted for as above stated, to the credit of the proper Commissioner, a question might arise how far this operated as a release of the sureties of said Commissioners. The committee in closing this report will beg leave to offer for adoption the following resolution.

Resolved, by the House of Representatives, That copies of this report and accompanying documents be printed for the use of the members of the Legislature.

On motion of Mr. Elkin,

The blank in the resolution was filled with "one hundred and fifty."

When the report as amended was concurred in.

Mr. Moore from the committee on counties, reported, "A bill for an act to authorize owners of blocks in the town of Winnebago, to enclose alleys in said Blocks;" which was read a first time, and

Ordered to a second reading, and

On his motion, The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Hardin from the Judiciary committee to whom was referred, a "Bill for an act supplemental to an act entitled, an act relating to the office of Recorder, approved January 8, 1839;"

Reported the same back to the House with amendments.

On motion of Mr. Jarrott,

The following words in the first section were stricken out, "or on satisfactory proof being made to them, that such money or property has been

paid or delivered to the mortgagee during his life;" when the bill as amended, was,

Ordered to be engrossed and read a third time.

Mr. Ficklin from the committee on Education, to whom was referred a "Bill for an act making School Commissioners elective by the people," reported the same back to the House with amendments, and asked the concurrence of the House therein.

Mr. Moore moved a division of the question, so as to take the vote on each amendment separately; and the amendments respectively were agreed to.

Mr. Johnson moved further to amend the bill by adding the following as an additional section; "In order the better to secure the fund, that if said Commissioners and securities shall fail, the amount so lost shall be raised by taxation levied on the inhabitants of said county, in which such loss shall occur;" which was not agreed to.

Mr. Dawson moved the indefinite postponement of the bill, and amendments; the ayes and noes being demanded on this motion, it was decided in the negative as follows:

Those who voted in the affirmative, are,

Messrs. Aldrich, Archer, Baker, Dawson, Dubois, Elkin, Gilham, Hardin, Harlan, Henderson, Henry, Holmes, Jarrott, Jones, Kent, Lincoln, Marshall, McCutchen, Menard, Otwell, Roberts, Webb, Williamson, Wood, and Zimmerman—25.

Those voting in the negative, are,

Messrs. Able, Alexander, Allen of Greene, Bainbridge, Bowman, Brown, Churchill, Cloud, Copland, Craig, Crain, Cunningham, Daley, Dunn, Edwards, Elliott Emmerson, English, Ficklin, Fisk, Green of Clay, Green of Greene, Hankins, Houston, Huey, Johnson, Kercheval, Kerr, Logan, Mc Cormick McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Nance, Naper, Pace, Phillips, Rawalt, Roman, Simms, George Smith, Stapp, Starr, Thomas of St. Clair, Thomas of Mc Lean, Turney, Walker of Vermilion, Williams, and Mr. Speaker—53.

On motion of Mr. Williams,

The bill and amendments were referred to a select committee of seven.

Ordered, That Messrs. Williams, Moore, Brown, Nance, Ficklin, Allen of Greene, and McCormick, be that committee.

Mr. Zimmerman from the committee on Public Buildings and grounds reported "A bill for an act authorizing the county commissioners of Union county to borrow money for certain purposes;" which was read the first time, and

Ordered, to a second reading, and,

On motion of Mr. Zimmerman,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading,

Mr. Nance on leave introduced "A bill for an act to authorize the school Commissioner of Sangamon county to pay over certain school funds to the school Commissioners of Menard, Logan, and Dane counties;" which was read the first time, and,

Ordered, to a second reading, and

On motion of Mr. Lincoln,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Nance on leave introduced a "Bill for an act to incorporate the town of Petersburg, in Menard county;" which was read the first time and

Ordered, to a second reading.

And on his motion, the bill was now read a second time by its title, and referred to a select committee.

Ordered, That Messrs. Nance, Lincoln, and Cloud be that committee.

Mr. Baker on leave, presented the petition of citizens of Dane county; which on his motion was referred to a select committee.

Ordered, That Messrs. Baker, Nance, and Hull, be that committee.

Mr. Nance presented the remonstrance of the citizens of Dane county; which on his motion, was referred to the same select committee to which the petition on the same subject was referred.

Mr. Hardin from the Judiciary committee reported the following resolution:

Resolved by the House of Representatives, the Senate concurring herein, That the Governor be requested to write to the Hon. R. M. Young and direct him not to forward to Messrs. Wright, & Co., of London any more State Bonds for sale or otherwise; and that he also be requested not to draw for the amount arising from the sale of Bonds made by him to said Wright, & Co., until further action is had by the Legislature on that subject; which was agreed to.

Ordered, That the Clerk inform the Senate and ask their concurrence herein.

Mr. Murphy of Cook, from the committee on Finance reported the following preamble and resolution:

Whereas, Great difficulty is experienced by the settlers on the Public Lands, in obtaining such funds as are receivable in payment at the Land offices; and whereas that difficulty would be greatly diminished by giving the settlers an earlier notice of the time of bringing the lands into market; thereby enabling them to dispose of property, to convert their paper into specie, or otherwise procure the means of paying for their lands; therefore,

Resolved by the House of Representatives, the Senate concurring herein, That our Senators in Congress be instructed and our Representatives requested to use their endeavours to procure such an alteration in the practice of the Land Office Department, as to give six months public notice, previous to the time of bringing any of the public lands into market; which was agreed to.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence herein.

Mr. Murphy of Vermilion, introduced the following resolution:

Resolved, That the committee on the Judiciary be instructed to enquire into, and report to this House, whether in their opinion the Bank of Illinois has forfeited its charter, or will forfeit its charter by a suspension of specie payments for any given time; and also, whether any amendment to said charter in view of this subject be necessary; or whether said Bank

is beyond the reach of any legislation, and still will exist although it refuses to redeem its notes, or other evidence of debt with specie.

Mr. Hardin moved to strike out "Judiciary committee," and insert "Finance committee;" which was not agreed to.

Mr. Naper moved to lay the resolution on the table, which was not agreed to.

When the resolution was adopted.

Mr. Webb from the Judiciary committee to whom was referred,

"A bill for an act to amend an act entitled, an act relative to criminal Jurisprudence;" reported the same back to the House and on his motion, the bill was laid on the table.

Mr. Lincoln from the select committee to whom was referred the petition of John Bennett, reported,

"A bill for an act to vacate a part of the town plat of Bennett's addition to the town of Petersburg;" which was read the first time, and,

Ordered to a second reading, and on his motion,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered, to be engrossed for a third reading.

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate, to inform the House of Representatives that they have passed bills of the following titles, viz:

"An act to incorporate the Clinton Steam Mill Company;"

"An act to amend an act entitled, 'an act concerning justices of the Peace and Constables. Approved February 3, 1827;"

"An act to provide for the holding of an additional term of the Circuit Court, in the county of Peoria."

In the passage of which several bills they ask the concurrence of the House of Representatives.

Mr. Stapp from the select committee, to whom was referred the memorial of the County Commissioners Court, of Henry county, reported a "Bill for an act legalizing the acts of certain officers of Henry county, and for other purposes;" which was read the first time, and,

Ordered to a second reading; and on his motion,

The rule of the House was dispensed with, and the bill read a second time by its title, and

On motion of Mr. Henderson,

Referred to a select committee.

Ordered, That Messrs. Henderson, Stapp, Murphy of Vermilion, Harlan, and Kercheval be that committee.

Mr. Moore moved to discharge the committee of the Whole House from the consideration of certain resolutions on the subject of Internal Improvements, when,

The House adjourned until 2 o'clock P. M.

TWO O'CLOCK P. M.

House met pursuant to adjournment.

The question coming up on the motion of Mr. Moore, to discharge the committee of the Whole House from the further consideration of the reso-

lutions on the subjects of Internal Improvements, some time since committed; it was decided in the negative.

On motion of Mr. Walker of Vermilion,

The "Bill for an act to vacate the town Plat of the town of Shepherdstown;" was taken up and read the first time, and, on his motion,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered, To be read the third time.

The Speaker laid before the House a communication from the Board of Public Works.

Mr. George Smith moved to lay the same on the table, and print 500 copies; which was not agreed to.

On motion of Mr. Webb,

The vote on laying on the table, was reconsidered.

Mr. Webb moved to refer the same to the committee on Internal Improvements.

Mr. Alexander demanded a call of the House, which having been proceeded in for some time; was on his motion, dispensed with.

Mr. Webb moved to lay the report together with the accompanying documents on the table, and print five hundred copies of the Tabular Statements, for the use of this House.

Mr. Hardin demanded a division of the question.

The question was then taken on the motion to lay upon the table, and agreed to.

The question was then taken on the motion to print five hundred copies and decided in the negative.

Mr. Moore moved the printing of one hundred and fifty copies; which was agreed to.

A bill from the Senate for "An act to provide for holding an additional term of the Circuit Court, in the county of Peoria, was read the first time, and,

Ordered, to a second reading, and, on motion,

The rule of the House was dispensed with, and the bill read a second time by its title, and

On motion of Mr. Churchill,

Was referred to a select committee.

Ordered, That Messrs. Churchill, Harlan, and Henderson, be that committee.

A bill from the Senate for "An act to amend an act entitled, 'An act concerning Justices of the Peace;" was read the first time, and,

Ordered to a second reading.

A bill from the Senate for "An act to authorize the county Court of Lawrence county, to build a bridge across Embarrass river;" was read the first time, and

Ordered to a second reading, and

On motion of Mr. Dubois,

The rule of the House was dispensed with, and the bill read a second time by its title, and on his motion, referred to a select committee.

Ordered, That Messrs. Dubois, Bowman, and Turney be that committee.

On motion of Mr. Hardin,

The House resolved itself into a committee of the Whole House on certain resolutions, in relation to the system of Internal Improvements, and after some time spent therein, Mr. Baker the chairman, reported that the committee of the Whole House had the same under consideration, made some progress therein, and asked leave to sit again on said subject; which was granted.

A bill from the Senate for "An act to change the name of the town of Columbus in the county of Randolph;" was read the first time, and

Ordered to a second reading, and

On motion of Mr. Menard,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered, to a third reading.

A bill from the Senate for "An act authorizing an additional Justice of the Peace in the La Harpe district, in Hancock county;" was read the first time, and

Ordered to a second reading, and

On motion of Mr. Aldrich,

The rule of the House was dispensed with, and the bill read a second time by its title, and,

Ordered to a third reading.

A bill from the Senate for "An act, supplemental to an act to authorize the County Commissioners, to construct certain roads in Greene county;" was read the first time, and

Ordered to a second reading, and

On motion of Mr. Daley,

The rule of the House was dispensed with, and the bill read a second time by its title, and referred to a select committee.

Ordered, That Messrs. Daley, Allen of Greene, and McWilliams be that committee.

A bill from the Senate, for "An act to incorporate the Clinton Steam Mill Company," was read the first time, and

Ordered to a second reading, and

On motion of Mr. Bowman,

The rule of the House was dispensed with, and the bill read a second time by its title.

Mr. Murphy of Cook, moved the following amendment:

Provided, That the private property of said corporation shall be held liable for all the debts due by said corporation, when,

On motion of Mr. Huey,

The bill and amendment were referred to a select committee.

Ordered, That Messrs. Huey, Murphy of Cook, and Murphy of Vermilion, be that committee.

The engrossed bills of the following titles, were severally read the third time and passed, viz:

"An act to incorporate the Middlesex Steam Mill Company;"

"An act to incorporate Georgetown, in the county of Randolph;"

"An act to incorporate the Sangamon Coal Bank, Bridge Company."

Ordered, That the titles of the bills be respectively as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

On motion,

The House adjourned.

SATURDAY, December 28, 1839.

House met pursuant to adjournment.

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have this day received a communication from the Fund Commissioners, containing their report in answer to a resolution of the Senate, in relation to the amount of Bonds sold, and the payment of the interest on the same, which was laid upon the table, and ordered to be printed for the use of the two Houses. They have also received a communication from the Fund Commissioners, in reply to a resolution from the Senate, calling on them to report to the Senate, whether any of the State Bonds of the State of Illinois, have been delivered by said Commissioners to Messrs. Wright & Co., of London, or forwarded for delivery, &c., which was laid on the table, and ordered to be printed for the use of the two Houses.

They have also passed bills of the following titles, viz:

"An act to amend an act to incorporate the beet Sugar Silk and vegetable Oil Manufacturing Company;" approved February 27, 1837.

"An act to amend an act to authorize Henry W. Cleveland to build a toll bridge across the Winnebago Swamp;" approved February 19, 1839.

"An act to revive and continue in force an act entitled 'An act, to locate a certain State road therein mentioned;" approved February 27, 1839.'

"An act to vacate the plat of the town of "Cottage Grove," in the county of Cook;"

"An act for the incorporation of the Fayette Steam Mill Company;"

"An act to incorporate "Shiloh College;" and

"An act requiring Pedlars to procure Licenses."

In the passage of which said several bills, they ask the concurrence of the House of Representatives.

Mr. Williams presented the petition of many citizens of Adams and Pike counties, praying for a State road; the reading of which was,

On motion of Mr. Williams,

Dispensed with, and referred to a select committee.

Odered, That Messrs. Williams, Kerr, and Aldrich be that committee.

Mr. Allen of Franklin presented the petition of sundry citizens of Sangamon and Cass counties, praying a change of State roads therein named; the reading of which was,

On motion of Mr. Allen of Franklin,

Dispensed with, and referred to the committee on State roads.

Mr. Allen of Franklin presented the remonstrance of sundry citizens of Cass county, against the change of a certain State road therein named; the reading of which was,

On motion of Mr. Allen of Franklin,

Dispensed with, and referred to the committee on State roads.

Mr. Henderson presented the petition of fifty-five persons of the third precinct in Henry county, asking to be attached to the county of Stark; the reading of which was,

On motion of Mr. Henderson,

Dispensed with, and referred to the same select committee to which the bill in relation to Henry county was referred yesterday.

Mr. Daley presented the remonstrance of certain citizens of Jersey county, against appropriating money for the construction of a road in said county; the reading of which was,

On motion of Mr. Daley,

Dispensed with, and referred to the same select committee to which a bill on the same subject was referred.

Mr. McCutchen presented the petition of sundry citizens of Brown county, praying for an alteration of a certain State road therein named; the reading of which was,

On motion of Mr. McCutchen,

Dispensed with, and referred to the committee on State roads.

Mr. Aldrich from the committee on Public Accounts and expenditures, reported a bill for "An act concerning certain roads therein named;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Aldrich,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Williams from the committee on Finance to whom was referred the memorial of the Directors of the State Bank of Illinois; reported the same back to the House, and asked to be discharged from the further consideration of the same; which was granted.

Mr. Roman from the committee on Finance, to whom was referred a bill for "An act entitled 'An act, to amend an act for the relief of the poor, approved February 21st, 1839;" reported the same back to the House without amendment, and recommend its passage, and the bill was

Ordered to be engrossed for a third reading.

Mr. Ficklin from the committee on Education, reported a bill for "An act, authorizing the re-valuation of sections, number 16, in certain cases;" was read the first time, and

Ordered to a second reading, and

On motion of Mr. Ficklin,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Fisk from the committee on Public Buildings, reported a bill for "An act concerning a State road from Shelbyville to Hillsboro;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Fisk,

The rule of the House was dispensed with, and the bill read a second time by its title, and on his motion, was referred to the committee on State roads.

Mr. Roberts asked and obtained leave to introduce a bill for "An act to legalize the assessment and collection of the revenue in the counties of Iroquois and Clay, for the year 1839;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Green of Clay,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Hardin from the committee on the Judiciary, reported a bill for "An act, in relation to Executions;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Hardin,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Dawson asked and obtained leave to introduce a bill for "An act to restore the charter of the State Bank of Illinois;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Dawson,

The rule of the House was dispensed with, and said bill read a second time by its title, and

On his motion, was referred to the committee on Finance.

Mr. Murphy of Vermilion from the select committee to whom was referred a bill for "An act to amend an act entitled 'An act, to amend an act prescribing the mode of summoning Grand and Petit Jurors, and defining their qualifications and dutics;" approved February 13, 1835, reported the same back with sundry amendments, which amendments were concurred in by the House, and the bill

Ordered to be engrossed for a third reading.

Mr. Daley from the select committee to whom was referred a certain petition, reported a bill for "An act to incorporate the Hamilton Primary School;"

Which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Daley,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Kercheval from the select committee to whom was referred a certain petition, reported a bill for "An act, to revive an act therein named;"

Which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Kercheval,

The rule of the House was dispensed with, and said bill was read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Fisk from the select committee to whom was referred a certain petition, reported a bill for "An act, to incorporate the Montgomery Lyceum;"

Which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Fisk,

The rule of the House was dispensed with, and the bill read a second time by its title, and

On his motion,

Referred to the committee on Education.

Mr. Craig to whom was referred a certain petition, reported a bill for "An act to authorize Sherlond Rose and Andrew P. Swan, to build a toll bridge across Fever river at Galena, in the county of Jo Daviess;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Craig,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

A message from the Governor, by Mr. Field, Secretary of State.

Mr. Speaker: I am directed by the Governor to lay before the House of Representatives, a written communication,

Mr. Dubois from the select committee to whom was referred a bill from the Senate, for "An act to authorize the county Court of Lawrence county to build a bridge across the Embarrass river," reported the same back to the House without amendment; which bill was

Ordered to a third reading.

Mr. Huey from the select committee to whom was referred the bill from the Senate for "An act to incorporate the Clinton Steam Mill Company," reported the same back to the House without amendment; which bill was

Ordered to a third reading.

Mr. Henry offered for adoption the following preamble and resolution:

Whereas, The Railroad from Jacksonville to Meredosia has been completed, and as much anxiety exists to see whether the said Railroad answer the expectation of the Legislature, and of the friends of the Internal Improvement system. Therefore, for the purpose of enabling members to inspect the work, it is

Resolved, That when this House adjourns on Monday, it will adjourn to meet again on Thursday next. Which was decided in the negative by yeas and nays, upon the call of Messrs. George Smith, and Moore as follows, viz:

Those voting in the affirmative, are,

Messrs. Aldrich, Allen of Franklin, Archer, Churchill, Cloud, Crain, Cunningham, Daley, Elkin, English, Gilham, Happy, Hardin, Harlan, Henderson, Henry, Huey, Jones, Kent, Logan, Marshall, McCormick, Menard, Murphy of Cook, Murphy of Vermilion, Rawalt, Roman, Stapp, Williams, Williamson, Wood, and Mr. Speaker—34.

Those who voted in the negative, are,

Messrs. Able, Alexander, Allen of Greene, Bainbridge, Baker, Bowman, Brown, Copland, Craig, Dawson, Dubois, Edwards, Elliott, Emmerson, Ficklin, Fisk, Green of Clay, Green of Greene, Hankins, Houston, Jarrott, Johnson, Kercheval, Kerr, Lincoln, McCutchen, McWilliams, Moore, Morgan, Murphy of Perry, Naper, Otwell, Pace, Phillips, Roberts, Simms, George Smith, Starr, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Vermilion, Webb, and Zimmerman—44.

Mr. Baker moved for adoption the following resolution:

"*Resolved*, That the ex-Governors and ex-members of Congress be entitled to sit within the bar of this House."

Mr. Stapp moved to amend by inserting Secretary of State; which was not agreed to.

Mr. Hardin moved to insert ex-Secretary of State; which was not agreed to.

Mr. Fisk moved to insert the Attorney General; which was not agreed to.

Mr. Marshall moved to amend so as to insert ladies; which was agreed to.

Mr. Moore moved to lay the resolution as amended on the table; which was agreed to.

On motion of Mr. Williams,

It was resolved that the committee on Finance be instructed to prepare and report to this House a bill to amend the revenue law, so as to provide for the equalization of the assessment of taxes in the different Assessor's districts of each county. And to give to the first of June for Assessor's to make their respective returns.

Mr. Dubois offered for adoption the following resolution:

Resolved, That the committee on Finance be instructed to prepare and report a bill to this House, to authorize and compel those counties which have levied no tax for the year 1838, to levy, assess, and collect a tax in 1839, for both the years 1838 and 1839.

On motion of Mr. Allen of Greene,

It was laid on the table.

Mr. Rawalt offered for adoption the following resolution.

Resolved, That the committee on State roads be instructed to prepare and report a bill to this House, granting to the county Commissioners' Courts the same superintendency over State roads in the several counties in this State, that said courts now have over public roads.

On the adoption of which, Mr. Rawalt and Mr. Marshall demanded the ayes and noes, which being taken,

It was decided in the affirmative as follows:

Those who voted in the affirmative, are,

Messrs. Alexander, Baker, Bowman, Brown, Copland, Craig, Crain, Daley, Dawson, Dubois, Elliott, Elkin, Emmerson, English, Gilham, Harlan, Henderson, Henry, Houston, Jarrott, Jones, Kent, Kerr, Logan, Lincoln, Marshall, McCutchen, McWilliams, Menard, Morgan, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Otwell, Pace, Phillips, Rawalt, Roberts, Roman, George Smith, Starr, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Vermilion, Webb, Wood, Zimmerman, and Mr. Speaker—49.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Cloud, Cunningham, Edwards, Ficklin, Fisk, Green of Clay, Green of Greene, Hankins, Happy, Hardin, Huey, Johnson, Kercheval, McCormick, Moore, Naper, Simms, Stapp, Williams, and Williamson —26.

On motion of Mr. Turney,

It was resolved that the Secretary of State be requested to furnish the public printer with the copy of an act entitled "An act, to encourage the killing of Wolves," approved February 15th, 1837; and that the public

printer be required to publish the same forthwith in the State Register, for the information and benefit of the people of this State.

On motion of Mr. Edwards,

It was resolved that the committee on the Judiciary be instructed to report to this House, whether the Treasurer of State is now authorized to deposite the public money in the State Bank of Illinois, and if not, whether the sureties of the Treasurer are not released from any further liability.

On motion of Mr. Craig,

The following preamble and resolutions were adopted.

Whereas, the obstructions to the navigation of the Mississippi river, occasioned by the Des Moines and Rock Island Rapids, are a serious interruption to its navigation; and occasion great loss of time and expense of money to merchants and others, navigating the upper Mississippi river, so much so, that the extra charges on freight and passengers during the low stages of water the past season, has exceeded one hundred thousand dollars.

And whereas, the improvement in the navigation of the Mississippi river is entirely and exclusively under the jurisdiction of the General Government. Therefore,

Resolved unanimously by the House of Representatives, (*the Senate concurring herein*,) That our Senators in Congress be instructed, and our Representatives requested to use their best exertions to procure at the present session of Congress an appropriation of at least three hundred thousand dollars, to be applied to the speedy removal of those obstructions; and that the passage of an act for the simultaneous prosecution of the work at both rapids, by contract or otherwise, so as to insure the speedy accomplishment of this object.

Resolved, That the Governor transmit a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress, with a request to lay them before each House of Congress.

On motion of Mr. Murphy of Vermilion,

It was resolved, that the committee on Finance be instructed to enquire into the expediency, at the present session, of creating a sinking Fund, to be exclusively applied to the payment of the interest on State Bonds, for the final extinguishment of the same.

Mr. Henderson introduced the following resolutions:

Resolved by the House of Representatives, That the committee on Internal Improvements be instructed to report a bill with the following provisions, to-wit:

1st. To repeal all laws which relate to the creating the present Board of Internal Improvement, and to create a new board to consist of three members, to be elected by the present General Assembly.

2d. To provide for the completion of all contracts now let, which may be in continuous lines from navigable rivers.

3d. To provide for the valuation of the work now finished and contracted for by authority of law.

4th. To provide for the incorporation of companies who may be disposed to continue and extend the railroads in continuous lines, until said companies shall have expended an amount equal to the amount expended, and to be expended by this State.

5th. To provide for the completion of the improvements of the navigation of the Great Wabash, Illinois and Rock rivers.

6th. To provide for the suspension of all further works, except as above specified, together with such provisions in detail as they may deem necessary and expedient; which,

On motion of Mr. Elkin,

Was referred to the committee of the Whole House.

Mr. Henry offered the following resolution for adoption.

"*Resolved by the General Assembly*, That a joint select committee of six on the part of the House, and three on the part of the Senate, be appointed to proceed to Jacksonville, to examine that part of the Railroad finished, together with its fixtures, and make such report to the present General Assembly, as they may think the merits of the work require.

Mr. Murphy of Vermilion offered the following amendment:

Provided, Said committee perform said duty at their own expense, and not devote more than two days to said examination; which was not agreed to.

On motion of Mr. Elliott,

The resolution was laid on the table.

On motion of Mr. Cunningham,

The following preamble and resolution were adopted:

Whereas, The General Government, in surveying and subdividing the lands on Embarrass river, omitted to subdivide Township five North, Range fourteen West, or any part thereof, considering and returning the whole of said Township as inundated and drowned land, in which situation it still remains, a part of which may be cultivated, and is now partly settled; and whereas, it is highly important to the settlers in said Township, that the same should be disposed of and they secured in their homes; and as the improvement of said river is of great importance to the citizens who are living near said river to enable them to transport their surplus produce.

Resolved, by the General Assembly of the State of Illinois, That our Senators in Congress be instructed and our Representatives requested to use their best exertions to have a law passed by Congress donating said drowned Township to the State, authorizing the State to sell the same, the avails thereof to be applied exclusively to the improvement of the said Embarrass river, which river is navigable some distance from its mouth and which has been examined according to an act passed at the last General Assembly, and it is found to be fully susceptible of improvement.

Resolved, That the Governor be requested to transmit a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

On motion of Mr Copland, it was

Resolved, That the committee on the Judiciary be requested to enquire into the propriety of amending the law in relation to Justices of the Peace and Constables; approved February 3, 1837, so that any collector or other officer may be proceeded against before two Justices of the Peace of the proper county, for refusing to pay over money by them collected, or for failing in due time to return executions when the amount claimed does not exceed one hundred dollars.

Mr. Murphy of Cook introduced the following preamble and resolution:

Whereas, A select committee was appointed at the last session of the General Assembly to examine into the legality of the Bank of Cairo; and whereas the said committee reported that the said Bank had no authority under our laws and Constitution to exercise Banking powers; and whereas, the said bank has since issued, and still continues to issue Bank bills, and exercise banking powers without legal authority, as is believed by many of our citizens; therefore,

Be it resolved by the General Assembly of the State of Illinois, That the Attorney be, and he is hereby directed forthwith to institute a Judicial inquiry into the legality and conduct of said Bank, and that he prosecute such enquiry by writ of Quo warranto, or other legal process.

On the passage of which, Mr. Happy, and Mr. Murphy of Cook demanded the ayes and noes; when,

On motion of Mr. Edwards,

The same was referred to the committee on Judiciary.

On motion of Mr. Naper,

The rules of the House were dispensed with, and the following communication from the Governor, with accompanying documents, was taken up for consideration.

EXECUTIVE DEPARTMENT,
Springfield, December 28, 1839.

To the Hon. THE SPEAKER
of the House of Representatives.

SIR: In answer to a resolution of the House of Representatives of the 23d inst., I have the honor herewith to send you all the correspondence in my possession, that has any bearing upon the subject of negotiating loans.

I have the honor to be, Sir,
Your most obedient servant,
THOS. CARLIN,

Which was read, and with accompanying documents, referred to the committee on Canal and Canal Lands.

On motion of Mr. Hardin,

The resolution offered by Mr. Henry, for the appointment of a joint committee to visit Jacksonville and inspect the Railroad, was taken up for consideration; and

On the further motion of Mr. Hardin,

The House re-considered the vote taken on the amendment offered thereto by Mr. Murphy of Vermilion; when the amendment was adopted and the resolution as amended was agreed to.

Ordered, That Messrs. Roman, English, Murphy of Vermilion, Allen of Franklin, Murphy of Perry, and Naper be that committee on the part of the House; and that the Clerk inform the Senate thereof, and ask their concurrence in the same.

Mr. Rawalt moved an adjournment till two o'clock, P. M.

On motion of Mr. Naper,

The House adjourned.

MONDAY, December 30, 1839.

House met pursuant to adjournment.

Mr. Marshall presented the petition of Timothy Crowly; which on his motion, was without reading, referred to the committee on the Judiciary.

Mr. Craig presented the petition of D. M. T. Moss, Wm. J. Mix, and Thomas Ford; which on his motion, was without reading, referred to the committee on State roads.

Mr. Hardin, on leave, offered the following resolution, which was adopted.

Resolved, That the use of this Hall be given to Mr. Jenks on this evening, for the purpose of delivering a lecture on the means of providing every child in the State, with a sufficient practical education.

Mr. George Smith from the committee on Agriculture and Manufactures, reported,

"A bill for an act to incorporate the Alton Foundry Steam Engine and Machine Manufacturing Company;" which was read the first time, and

Ordered to be read a second time; and on his motion,

The rule of the House was dispensed with, and the bill read a second time by its title, and referred to the committee on Judiciary.

Mr. Marshall from the Judiciary committe, reported,

"A bill for an act in relation to the Commissioners for the sale of the Saline Lands in Gallatin county;" which was read the first time, and

Ordered to a second reading, and on his motion,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed and read a third time.

Mr. Menard from committee on Salines, reported "A bill for an act to change the name of the Kaskaskia Insurance Company," which was read the first time, and

Ordered to a second reading, and on his motion,

The rule of the House was dispensed with, and the bill now read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Hardin from the select committe, to whom was referred a bill for "An act to amend an act concerning Estrays. Approved, February 9, 1839;" reported the same back to the House without amendment, and recommended its passage, when,

On motion of Mr. Edmonson,

The same was referred to a select committee of five.

Ordered, That Messrs. Edmonson, Dawson, Hardin, Pace, and Fisk, be that committee.

Mr. Archer from the committee on State roads, to whom was referred the petition of 21 citizens of Winnebago county, reported a bill for "An act to incorporate the Kishwaukee Bridge Company at Kishwaukee;" which was read the first time, and

Ordered to a second reading.

Mr. Archer from the committee on State roads, to whom was referred the petion of John A. Clark, reported a bill for "An act to build a Bridge across the Picatonica river at Freeport, Stephenson county;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Craig,

The rule of the House was dispensed with, and the bill read the second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Lyons from the committee on Salines, reported a bill for "An act to legalize the acts of the Commissioners of Champaign county;" which was read the first time, and

Ordered to a second reading, and on his motion,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Webb from the committee on the Judiciary, to whom was referred the petition of Calvin Gold, reported a bill for "An act for the relief of Calvin Gold;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Webb,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Churchill from the select committee, to whom was referred the Senate Bill for "an act to provide for holding an additional term of the Circuit Court in the county of Peoria;" reported the same back to the House with an amendment, and asked the concurrence of the House therein; which was agreed to, and the bill as amended,

Ordered to be read a third time.

Mr. Dubois from the select committee, to whom was referred the petition of Doctor Anderson, reported a bill for "An act for the benefit of Louisa Jones;" which was read a first time, and

Ordered to a second reading, and on his motion,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Dawson offered for adoption the following resolution,

Resolved, That the standing order of every afternoon Session shall be the subject of Internal Improvements, until some definite action is had thereon; which was not agreed to.

On motion of Mr. Moore,

Resolved, That the Commissioner of Public Works, of the first Judicial Circuit, be requested to report to this House, the entire cost of that part of the Northern Cross Railroad, between Jacksonville and the Illinois river, including the cost of construction, the cost of locomotive and cars, the amount paid for the right of way, together with the amount of incidental expenses; the amount of money actually paid, together with the present liabilities of the State to contractors and others on said road; also the length of the road between said points.

Mr. Murphy of Vermilion, asked and obtained leave to introduce a bill for "An act in relation to the State Bank of Illinois;" which was read the first time, and

Ordered to a second reading.

On motion of Mr. Murphy of Vermilion,

The rule of the House was dispensed with, and the bill read a second time by its title.

Mr. Hardin moved to refer the bill to a select committee of seven which was not agreed to.

Mr. Murphy of Cook moved to refer the bill to the committee on Finance; which was not agreed to, and

On motion of Mr. Roman,

The bill was referred to the committee on the Judiciary.

Mr. Henry asked and obtained leave to introduce a bill for "An act to amend an act entitled, an act to provide for securing to mechanics and others liens for the value of labour and materials;" which was read the first time, and

Ordered to a second reading.

On motion of Mr. Henry,

The rule of the House was dispensed with, and the bill read a second time by its title, and on his motion, said bill was referred to the committee on Judiciary.

Mr. Rawalt asked and obtained leave to introduce a bill for "An act to amend the several laws in relation to appeals;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Rawalt,

The rule of the House was dispensed with, and the bill read a second time by its title, and on his motion, said bill was referred to the committee on the Judiciary.

Mr. Churchill introduced a bill for "An act to locate a State road from Peru to Belvit;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Churchill,

The rule of the House was dispensed with, and the bill read a second time by its title, and on his motion, said bill was referred to the committee on State roads.

Mr. George Smith introduced a bill for "An act entitled an act incorporating the Calhoun Coal and Mining Company;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. George Smith,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Murphy of Perry, from the committee on Internal Improvements, to whom was referred a bill for "An act to authorize the persons therein named to build and continue a mill dam across the Little Wabash river;" reported the same back to the House without amendment: the bill was then

Ordered to be engrossed for a third reading.

Mr. Moore moved to take up a bill for "An act to distribute the School Fund to the several counties in the State;" which was agreed to by yeas and nays as follows, viz:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Archer, Bain-

bridge, Bowman, Brown, Churchill, Copland, Crain, Daley, Dunn, Edmonson, Elliott, Emmerson, English, Ficklin, Fisk, Green of Clay, Green of Greene, Gouge, Hankins, Happy, Houston, Johnson, Kerr, Logan, McCormick, McWilliams, Moore, Murphy of Perry, Murphy of Vermilion, Roman, Simms, Walker of Vermilion, and Mr. Speaker—36.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Baker, Craig, Dawson, Dubois, Edwards, Elkin, Gilham, Hardin, Harlan, Henderson, Henry, Jarrott, Kercheval, Lincoln, Lyons, McCutchen, Menard, Murphy of Cook, Otwell, Pace, Phillips, Rawalt, Roberts, George Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Webb, Williamson and Zimmerman—34.

The bill was then read a second time, and

On motion of Mr. Hardin,

Was referred to the committe on Finance,

On motion of Mr. Churchill,

Resolved, That the Hon. Speaker of the House of Representatives, be authorized and requested to call some member of the House to the Chair to perform the duties of the chair, during the temporary absence of the Speaker.

On motion of Mr. Gouge,

Resolved, That the Fund Commissioners be requested to inform this House from what sources the means have been derived for paying the Interest on the State Bonds, due on the first of July last, and coming due on the first of January next; and also, what are the resources for paying the interest for the ensuing year.

Mr. Menard asked and obtained leave of absence for Mr. Jones, a Representative from the county of Randolph.

On motion,

The House adjourned till two o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The Speaker laid before the House a communication from the Secretary of the Board of fund Commissioners; which was read, and

On motion of Mr. Elkin,

Laid on the table.

On motion of Mr. Baker,

The House now resolved itself into a committee of the Whole, on the subject connected with the system of Internal Improvements; and after some time spent therein, the committee rose and reported to the House, by Mr. Baker their chairman, that they had made some progress therein, and asked leave to sit again; which was granted.

Mr. Dawson moved the re-consideration of the vote taken this morning, on the resolution authorizing the Speaker to call some member temporarily to the chair during his absence; which was not agreed to.

The Speaker laid before the House a communication from the Treasurer, the reading of which was dispensed with, and the same was laid on the table, and

Ordered, That one hundred and fifty copies thereof be printed for the use of this House.

Mr. Naper moved an adjournment till Thursday next; which was not agreed to.

When on motion,

The House adjourned.

TUESDAY, December 31, 1839.

House met pursuant to adjournment.

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have adopted the following preamble and resolutions, viz:

Whereas, The General Government is now relieved from the burthen of a National debt, and consequently released from the necessity of raising a large revenue from the sale of Public lands; and whereas, a large amount of revenue has been contributed by the citizens of our State in payment of Public Lands, and the portion which remains unsold is little more than sufficient to defray the expense attending the sale of the same. Therefore,

Resolved, By the people of the State of Illinois, Represented in the General Assembly, that our Senators in Congress be instructed, and our Representatives requested to use their best exertions to procure the passage of a law, donating to the State for the use of public Improvements, each alternate Section on the different Railroad routes in this State, or the whole of the lands yet unsold, on condition that the State pay over to the General Government one third of the amount that would arise from the sale of the same; That the Governor be respectfully requested to furnish a copy of the above Preamble and resolution to each of our members in Congress.

In the adoption of which preamble and resolution they ask the concurrence of the House of Representatives.

They have also passed a bill of the following title, viz:

"An act to amend an act to establish the county of Hardin. Approved March 2, 1839."

In the passage of which bill they ask the concurrence of the House of Representatives.

Mr. Ficklin presented the proceedings of public meetings in Greenup and Wabash Point, on the subject of Internal Improvements; which, without reading, were on his motion, referred to the committee on Internal Improvements.

Mr. Carpenter presented the petition of the citizens of the town of Mc Leansboro, praying for an act of Incorporation; which, without reading was on his motion referred to a select committee.

Ordered, That Mr. Carpenter, be that committee.

Mr. Crain from the committee on Engrossed Bills reported as correctly engrossed, bills of the following titles, viz:

"An act to authorize and require the School Commissioners of Sangamon county, to pay over certain School Funds to the School Commissioners of Menard, Logan, and Dane counties;"

"An act authorizing the re-valuation of section numbered sixteen in certain cases;"

"An act authorizing the County Commissioners of Union county, to borrow money for certain purposes:"

"An act to authorize owners of Blocks in the town of Winnebago, to enclose alleys in said Blocks;"

"An act to amend an act entitled, 'An act to amend an act for the relief of the poor. Approved, February 21, 1839;'

"An act to legalize the assessment and collection of the revenue, in the counties of Iroquois and Clay, for the year 1839;"

"An act supplemental to an act entitled, an act relating to the office of Recorder. Approved, January 8, 1839;"

"An act requiring Clerks and Recorders to reside in their county seats."

Mr. Murphy of Perry from the committee on Internal Improvements, reported

A bill for "An act to protect the Lands owned by the State of Illinois, from trespassers;" which was read the first time, and

Ordered to a second reading, and on his motion,

The rule of the House was dispensed with, and the bill read a second time by its title, and

On motion of Mr. Moore,

Was referred to the Judiciary committee.

Mr. Jarrott from the committe on the Judiciary, reported,

A bill for "An act supplemental to an act, entitled an act to authorize the inhabitants of Cahokia to raise a levee on the creek bank opposite the town of Cahokia;" which was read the first time, and

Ordered to a second reading, and on his motion,

The rules of the House were dispensed with, and the bill now read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. McWilliams from the select committee to whom was referred the petition of citizens of the county of Pike, reported

A bill for "an act to change a part of the State Road leading from Griggsville to Quincy," which was read the first time, and

Ordered to a second reading, and on his motion,

The rule of the House was dispensed with, and the bill now read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Baker from the select committee, to whom was referred the memorial and remonstrance of sundry citizens of Dane County, in relation to a State road, reported the same back to the House, and asked to be discharged from the further consideration thereof; which was not granted.

Mr. McCutchen from the select committee, to whom was referred the petition of Benjamin V. Teel and others, reported

A bill for "An act to Incorporate the Northwestern Manufacturing Company;" which was read the first time, and

Ordered to a second reading, and on his motion,

The rule of the House was dispensed with, and the bill now read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Allen of Greene, from the select committe, to whom was referred a "Senate bill," for

"An act supplemental to an act to authorize the County Commissioners to construct certain roads in Greene county;" reported the same back to the House without amendment; when the bill was read a third time and passed.

Ordered, That the title of the bill be as above.

Mr. Marshall from the select committee, to whom was referred the Governor's Message as relating to the suspension of the Bank of Illinois, reported the following resolution:

Resolved, That a committee of —— on the part of the House, and —— on the part of the Senate, be appointed to proceed to Shawneetown for the purpose of investigating the affairs of the Bank of Illinois, and that they also enquire into causes of the present suspension of Specie payments by said Bank.

Mr. Jarrott moved to lay the foregoing resolution on the table.

On which motion the ayes and nays were demanded by Mr. Churchill, and Mr. Murphy of Vermilion, and were as follows:

Those voting in the affirmative, are,

Messrs. Able, Allen of Franklin, Allen of Greene, Bainbridge, Baker, Bowman, Brown, Carpenter, Copland, Craig, Cunningham, Daley, Dawson, Dubois, Edwards, Elliott, Elkin, Emmerson, Ficklin, Fisk, Gilham, Green of Greene, Hardin, Harlan, Harris, Henry, Holmes, Houston, Jarrott, Johnson, Kent, Kerr, Logan, Lincoln, McCormick, McCutchen, Menard, Moore, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Nance, Naper, Otwell, Pace, Phillips, Roberts, Roman, Simms, George Smith, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Fulton, Webb, Williamson, and Zimmerman—55.

Those who voted in the negative, are,

Messrs. Alexander, Archer, Churchill, Crain, Cloud, Dunn, English, Edmonson, Green of Clay, Gouge, Hankins, Happy, Henderson, Kercheval, Lyons, Marshall, McWilliams, Morgan, Murphy of Cook, Rawalt, Stapp, Starr, Walker of Vermilion, Williams, and Wood—24.

So the report was not concurred in.

Mr. Henderson from select committee, to whom was referred a bill for "An act to legalize the acts of certain officers of Henry county, and for other purposes;" reported the same back to the House without amendment, and recommended its passage. Whereupon, the bill was

Ordered to be engrossed for a third reading.

Mr. Henderson from the same select committee, also reported

A bill for "An act to locate the county seat of Stark, and to extend the limits of said county;" which was read the first time, and

Ordered to a second reading, and on his motion,

The rule of the House was dispensed with, and the bill read a second time by its title.

Mr. Stapp moved to amend the bill by striking out the fifth section.

On motion of Mr. Dawson,

The bill and proposed amendment, were referred to the committee on counties.

Mr. Turney from the select committee to whom was referred the peti-

tion of Leech and Smith, reported a bill for 'An act for the relief of Leech and Smith; which was read the first time, and

Ordered to a second reading.

Mr. Craig from the select committee to whom was referred the petition of Hugh Wallace, reported a resolution which is as follows, viz:

Resolved, That the select committee to whom was referred the petition of Hugh Wallace, relative to the official conduct of the Commissioner of the Board of Public Works for the sixth Judicial circuit, be authorized to send for persons and papers, and to examine witnesses under oath; which was

On motion of Mr. Williams,

Laid on the table.

Mr. Hankins from the select committee to whom was referred a certain petition, reported a bill for "An act to re-locate part of the State road in Fayette county,

Which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Hankins,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be Engrossed for a third reading,

Mr. Marshall from the committee on Judiciary, reported a bill for "An act to regulate the mode of proceeding on the redemption of real estate sold under execution.

Which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Marshall,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Hardin offered for adoption the following resolution, viz:

Resolved, That a select committee of Five be appointed to ascertain and report to this House a statistical statement, showing the following items.

The indebtedness of the State on account of Internal Improvement system.

On account of the Canal, and for all other purposes. The amount of money expended on the Internal Improvement system, and on the Canal.

The amount due to contractors on each.

The amount yet coming to the State on contracts for sale of State Bonds.

The amount expended on State House, and the amount necessary to complete the same.

Resolved, That said committee be authorized to call on any officer of the State to give any information which may be necessary to enable the committee to report said statement at an early day.

Mr. Williams moved to amend the resolution by adding, "that the committee distinguish between the amount paid for engineering and construction; which amendment was agreed to.

Mr. Turney moved to amend the resolution by adding after the word

"construction" the words "on each particular work;" which amendment was agreed to.

The resolution as amended was then adopted.

In compliance with the foregoing resolution, the chair appointed Messrs. Hardin, Williams, Logan, Henderson, and English, be that committee.

On motion of Mr. Henderson,

Resolved by the House of Representatives, That the committee on the Judiciary be instructed to enquire into, and report to this House, whether the law creating the office of Probate Justice of the Peace, is not in violation of the Constitution. Whether the powers and jurisdiction given said officer by said law, does not constitute him Judge of an inferior Court. Whether said Court is not in fact a Court of record. Whether said law should not be repealed, and if not, whether said officer should not be paid a reasonable compensation for the report to be made by said Probate Justice of the Peace to the Circuit Court, of his proceedings in order that they may be considered a matter of record; and that said committee report by bill or otherwise.

Mr. Archer from the committee on State roads to whom was referred a resolution, reported a "Bill for an act, authorizing Commissioners' Courts to alter, change and re-locate State roads; which was read the first time, and

Ordered to a second reading.

On motion of Mr. Walker of Vermilion,

The rule of the House was dispensed with, and the bill read a second time by its title.

Mr. Walker of Vermilion moved for adoption the following amendment, "or the Vincennes and Chicago State road, so far as the same passes through the county of Vermilion."

Mr. Moore moved further to amend by adding "nor with any State road passing through more than one county;" which was not agreed to.

The amendment offered by Mr. Walker of Vermilion was also rejected.

Mr. Johnson moved to add the following as an additional section.

Provided nothing in this act shall be so construed as for the State not to lay out new State roads, when the public good may require it.

Mr. Moore moved to lay the bill and proposed amendments on the table; which was not agreed to; when,

On motion of Mr. Dawson,

The bill and proposed amendment were referred to a select committee of Five.

Ordered, That Messrs. Dawson, Moore, and Edmonson be that committee.

Mr. Bowman offered for adoption the following preamble and resolutions, viz:

Whereas, by an act of the General Assembly of the State of Illinois, entitled "An act to establish and maintain a general system of Internal Improvement." It is authorized and provided for the construction of a railroad from Mount Carmel to Alton.

And whereas also, a company has been incorporated by the Legislature

of Indiana, for the extension of said railroad from Mount Carmel and New Albany.

And whereas also, various portions of our Union feel a common interest in the prosecution and completion of said road, as obviating the inconveniences arising from the frequent obstructions presented in the navigation of the Ohio river by low stages of water, &c., to the trade between Louisville, the Wabash Valley, St. Louis, and New Orleans. Therefore,

Resolved, by the people of the State of Illinois, represented in the General Assembly, That our Senators in Congress be instructed, and Representatives requested to use their best exertions to procure from Congress a donation of five hundred thousand acres of the public lands lying in the State of Indiana, on and near the line of said road to the said State of Indiana, and also a further donation of five hundred thousand acres of the public lands lying in the State of Illinois, on and near the line of said road, to the said State of Illinois, the proceeds of which, or as much as shall be necessary, shall be applied to the completion of the said road.

Resolved, That the Legislature of the States of Louisiana, Mississippi, Arkansas, Missouri, and Indiana, be respectfully requested to urge their respective Senators and Representatives in Congress to use their efforts to secure the above named donations.

Resolved, That the Governor be requested to forward a copy of the above resolutions to each of our Senators and Representatives in Congress.

Resolved, That the Governor also forward a copy of the same to each of the Executives of each of the above named States, with a request that they lay the same before the Legislatures of their respective States; when,

On motion,

The House adjournd till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The House met pursuant to adjournment.

A message from the Governor, by Mr. Field, Secretary of State.

Mr. Speaker: I am directed by the Governor, to lay before the House a communication in writing.

The preamble and resolutions under consideration, when the House adjourned,

Were taken up, and adopted.

The Speaker laid before the House a communication from the Governor; which was read, and

On motion of Mr. Rawalt,

Referred to the committee on Finance.

When the House,

On motion of Mr. Baker,

Resolved itself into a committee of the Whole on the subjects connected with the Internal Improvement system, and after some time spent therein, the committee rose, and through Mr. Baker, their chairman reported they had had the same under consideration, that they had made more progress, and asked leave to sit again; which was granted; when,

On motion of Mr. Murphy of Cook,

The House adjourned until Thursday morning, at 10 o'clock.

THURSDAY, January 2, 1840.

House met pursuant to adjournment.

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that the Senate have laid on the table the Report of the State Treasurer, in relation to the monthly receipts and expenditures of the Treasury department, and ordered the same to be printed for the use of the two Houses.

Mr. Kent presented the petition of 132 citizens of Boon county, for a three mile strip, to be taken from De Kalb county, and attached to Boon county.

The reading of which was,

On motion of Mr. Kent,

Dispensed with, and referred to the committee on Counties.

Mr. Kent presented the petition of 100 citizens of Boon and Winnebago (principally residents of Boon county) for a tier of sections to be transferred from Winnebago to Boon.

The reading of which was,

On motion of Mr. Kent,

Dispensed with, and referred to the committee on Counties.

Mr. Murphy of Cook, presented the petition of Henry B. Clark of Chicago, for "An act to contract the corporate limits of the city of Chicago.

The reading of which was,

On motion of Mr. Murphy of Cook,

Dispensed with, and referred to a select committee.

Ordered, That Messrs. Murphy of Cook, Kercheval, and Gouge be that committee.

Mr. Robert Smith presented the petition of sundry citizens of township No. 6, North range No. 9 West, in Madison county, praying for relief.

The reading of which was,

On motion of Mr. Robert Smith,

Dispensed with, and referred to a select committee.

Ordered, That Messrs. Robert Smith, Thomas of St. Clair, and Menard be that committee.

Mr. Craig presented the petition of Isaac B. Essex to vacate a part of the town plat of New Quebec.

The reading of which was,

On motion of Mr. Craig,

Dispensed with, and referred to a select committee.

Ordered, That Messrs. Craig, Thomas of McLean, and Lyons be that committee.

Mr. Maus presented the petition of John Wenks, praying the alteration of his name.

The reading of which was,

On motion of Mr. Maus,

Dispensed with, and referred to the select committee on Salines.

Mr. Churchill presented the remonstrance of sundry citizens of Kane county, against a division of said county.

The reading of which was,

On motion of Mr. Churchill,

Dispensed with, and referred to the committee on Counties.

Mr. Turney presented the petition of sundry citizens of Marion, Wayne, Jefferson and Clay, asking an appropriation to improve the navigation of Skillit Fork.

The reading of which was,

On motion of Mr. Turney,

Dispensed with, and referred to a select committee.

Ordered, That Messrs. Turney, Phillips, and Green of Clay be that committee.

Mr. Crain from the committee on engrossed bills, reported as correctly enrolled, bills of the following titles, viz:

"An act in relation to executions;"

"An act to vacate part of the town plat of Bennett's addition to the town of Petersburgh;"

"An act concerning Groceries;"

"An act to amend an act entitled 'An act, establishing the Courts of county Commissioners;"

"An act concerning Attachments;"

"An act to authorize Sherland Rose and Andrew C. Swan, to build a toll bridge across Fever river at Galena, in the county of Jo Daviess;"

Mr. Lincoln presented the petition of a Farmer, being read, was

On motion of Mr. Lincoln, referred to the committee on Salines.

Mr. Aldrich from the committee of Public Accounts and expenditures, reported a bill for "An act to amend an act entitled 'An act, concerning the road from Warsaw to Quincy;" approved February 22, 1839; which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Aldrich,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Robert Smith from the committee on Public Accounts and expenditures, reported a bill for "An act, for the relief of Henry Singleton;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Robert Smith,

The rule of the House was dispensed with, and the bill read a second time by its title.

Mr. Robert Smith moved to refer the bill to the committee on the Judiciary.

Mr. Moore moved to lay the bill on the table, until the 4th day of July next; which was agreed to.

Mr. Churchill from the committee on Canal and Canal Lands, reported a bill for "An act, authorizing Ira Menard, Read Ferson, Bela I. Hunt and Darrien Millington to build a dam across Fox river;" which was read the first time, and

Ordered to a second reading.

On motion of Mr. Churchill,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Allen of Franklin from the committee on Elections, reported a bill for "An act relating to certain records in the counties of Franklin, Williamson, Morgan and Cass;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Allen of Franklin,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Pace from the committee on Agriculture and Manufactures, to whom was referred a bill for "An act exempting certain articles from execution, in addition to those already exempt by the laws of this State;" reported the same back to the House without amendment, and recommended its passage, when the bill was

Ordered to be engrossed for a third reading.

Mr. Murphy of Perry, from the committee on Internal Improvements, to whom was referred the proceedings of a meeting of the citizens of Greenup, reported the same back to the House, and asked to be discharged from the further consideration of the same, which was granted.

Mr. Murphy of Perry, from the committee on Internal Improvement, reported a bill for "An act to amend an act concerning Justices of the Peace and Constables;" approved February 3d, 1827, which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Murphy of Perry,

The rule of the House was dispensed with, and the bill read a second time by its title.

Mr. Pace moved to amend the bill by adding the following as an additional section, viz:

"Sec. 2. That judgments hereafter to be entered on contracts made after the first day of July next, either before Justices of the Peace, or in the Circuit Courts, shall bear the same rate of interest as that specified in the note or other instrument of writing, upon which said judgment shall be entered.

Provided, That if there should be no rate of interest specified in said instrument of writing, or should said judgment be entered upon an account, then said judgment shall bear interest at the rate of six per cent. per annum.

Mr. Menard moved to refer the bill and amendments to the committee on the Judiciary, which was not agreed to.

Mr. Lyons moved to lay the bill and amendments on the table.

Mr. Zimmerman demanded a division of the question, so as to take the vote on first laying the amendments on the table, the vote being taken on laying the amendment on the table, was decided in the affirmative by yeas and nays as follows, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Baker, Bowman, Brown, Carpenter, Cloud, Craig, Crain, Daley, Dawson, Dunn, Edmon-

son, Edwards, Elliott, Elkin, Emmerson, English, Fisk, Green of Clay, Green of Geeene, Gouge, Hankins, Happy, Harris, Henderson, Henry, Houston, Hull, Johnson, Kent, Kercheval, Logan, Lincoln, Lyons, Marshall, Maus, Menard, Murphy of Cook, Murphy of Perry, Nance, Naper, Otwell, Phillips, Rawalt, Roberts, Roman, George Smith, Robert Smith, Stapp, Starr, Thomas of McLean, Walker of Fulton, Walker of Vermilion, Webb, Williams, Williamson, Zimmerman and Speaker—60.

Those who voted in the negative, are,

Messrs. Allen of Greene, Archer, Bainbridge, Churchill, Copland, Cunningham, Dubois, Ficklin, Gilham, Hardin, Harlan, Holmes, Jarrott, Kerr, McCormick, McCutchen, McWilliams, Moore, Morgan, Murphy of Vermilion, Pace, Simms, Thomas of St. Clair, Turney and Wood —25.

The vote was then taken on laying the bill on the table; and decided in the negative.

Mr. Marshall moved to amend by inserting the following, viz:

"Whenever an appeal is taken from a judgment of a Justice of the Peace, the security in the appeal bond shall be liable for all the debt, damages, and costs, to which the appellant may be liable, whether the judgment be affirmed or reversed, either in whole or in part, or the appeal be dismissed;" which was not agreed to.

Mr. Daley offered the following amendment as an additional Section, viz:

"That hereafter, Constables shall be entitled to the same mileage on executions, that they are now allowed on summons.

Provided, That there shall not be charged more than one mileage for actual service rendered on the same execution."

Mr. McCutchen moved to amend the amendment by inserting "one miles mileage;" which amendment was agreed to.

Mr. Moore moved to refer the bill and amendments to a select committee of Five; which was not agreed to.

Mr. Rawalt moved to lay the amendment on the table; which was agreed to.

Mr. Zimmerman moved the previous question; which was agreed to.

The bill was then

Ordered to be engrossed for a second reading.

Mr. Green of Clay asked and obtained leave to introduce a bill for "An act, to amend an act concerning the public revenue;" approved February 1837;" which was read the first time, and

Ordered, to a third reading.

On motion, the rule of the House was dispensed with, and the bill read a second time by its title.

Mr. Lincoln moved the following amendment as an additional Section to-wit:

That hereafter, all Revolutionary pensioners within this State shall be permitted to loan all or any part of the money which they may have acquired exclusively by means of their pensions without paying any tax whatever. Therefore,

The Assessors of the several counties within this State shall take the production of the regular pension certificate from the War Office of the United States, as sufficient evidence that the person therein shown to be

a Revolutionary pensioner, is a Revolutionary pensioner, and shall then take the statement upon honor of such pensioner as sufficient evidence of the facts, whether he has any money loaned other than that acquired by means of his pension; and if so, how much, and on all other questions deemed necessary and proper under this act; which amendment was agreed to.

On motion of Mr. Williams,

The bill was referred to the committee on Finance.

On motion of Mr. Bowman,

The House adjourned.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Webb,

The House took up for consideration the orders of the day.

A call of the House being demanded by Mr. Webb, was continued for some time; when,

On motion of Mr. Dubois,

Further proceedings under the call were dispensed with.

Senate bills of the following titles, were severally read a third time and passed.

"An act to vacate the town plat of Shepherdstown;"

"An act to provide for holding an additional term of the Circuit Court in the county of Peoria;"

"An act to authorize the county Court of Lawrence county to build a bridge across Embarrass river;"

"An act authorizing an additional Justice of the Peace, in the La Harpe district, in Hancock county;"

"An act to change the name of the town of Columbus, in the county of Randolph;"

"An act to incorporate Shiloh College;"

"An act to amend an act to establish the county of Hardin, approved March 2d, 1839."

Ordered, That the Clerk inform the Senate of their passage.

Mr. Dawson moved to go into the committee of the Whole House on Internal Improvement resolutions; which was not agreed to.

Mr. Alexander moved to discharge the committee of the Whole House from the further consideration of Internal Improvement resolutions; which was not agreed to.

Engrossed bills of the following titles were severally read a third time and passed, viz:

"An act fixing the times for holding the spring terms of the Circuit Courts, in the counties of Coles and Champaign, and authorizing an additional term of the Circuit Courts of Vermilion and Edgar;"

"An act to repeal an act incorporating the Northern division of the American Bottom;"

"An act to re-survey a portion of the State road, leading from Decatur to Danville;"

"An act to re-locate part of a State road therein named;"

"An act supplemental to an act, to incorporate the Bainbridge Academy, approved March 2d, 1839;"

"An act to change part of a State road from Naperville in DuPage county, to Indian creek in McHenry county;"

"An act supplemental to an act entitled, an act relating to the office of Recorder. Approved, January 8, 1839;"

"An act to legalize the assessment and collection of the revenue in the counties of Iroquois and Clay, for the year 1839;"

"An act to authorize owners of Blocks in the town of Winnebago to enclose alleys in said Blocks;"

"An act authorizing the re-valuation of sections number sixteen, in certain cases;"

"An act authorizing the county Commissioners of Union county to borrow money for certain purposes;"

"An act to authorize and require the School Commissioner of Sangamon county to pay over certain School funds to the School Commissioners of Menard, Logan, and Dane counties;"

Ordered, That their titles be as aforesaid, and

That the Clerk inform the Senate of their passage and ask their concurrence therein.

Senate Bills of the following titles, having been read the first time, and

Ordered to a second reading, were

On the suspension of the rules, severally read a second time by their titles and

Ordered to a third reading, viz:

"An act for the incorporation of the Fayette Steam Mill Company;"

"An act to vacate the Plat of the town of Cottage Grove, in the county of Cook;"

"An act to amend an act to authorize Henry W. Cleveland, to build a toll Bridge across Winnebago Swamp. Approved, February 19, 1839;"

The following bills were severally read a second time, and

Ordered to be engrossed for a third reading, viz:

"An act to incorporate the Kishwaukee Bridge Company at Kishwaukee;"

"An act to incorporate the Springfield Mechanic's Union;"

"An act to authorize the Commissioners of the Illinois and Michigan Canal to sell certain Lands;"

Senate bill for "an act requiring Pedlars to procure Licenses;"

Was read the first time, and

Ordered to a second reading, and on motion,

The rule of the House was dispensed with, and the bill read a second time by its title, and referred to a committee of five.

Ordered, That Messrs. Robert Smith, Ficklin, Allen of Greene, Simms, and Henderson be that committee.

Senate bill for "An act to amend an act to incorporate the Beet Sugar, Silk, and Vegetable Oil Manufacturing company. Approved, February 27, 1837;" was read the first time, and

Ordered to a second reading, and on motion,

The rules of the House were dispensed with, and the bill now read a second time by its title, and referred to a select committee.

Ordered, That Messrs. English, George Smith, and Hankins be that committee.

Senate bill for "An act to revive and continue in force 'an act entitled an act to relocate a certain State road therein mentioned. Approved, February 27, 1839;" was read the first time, and

Ordered to a second reading.

Senate bill for "An act to amend an act entitled, an act concerning Justices of the Peace and Constables. Approved, February 3, 1827;" was read a second time, and

Referred to the committee on Judiciary.

Senate bill for "An act to Incorporate the Clinton Steam Mill Company;" was read a second time, and

Laid on the table.

Engrossed bill for "An act to amend an act entitled 'an act to amend an act for the relief of the poor. Approved, February 21, 1839;

Was laid on the table.

Engrossed bill for "An act to organize the county of Hardin;"

Was laid on the table.

Engrossed bill for "An act permanently to locate the seat of Justice of the county of De Kalb;" was

On motion of Mr. Moore,

Referred to a select committee.

Ordered, That Messrs. Moore, Churchill, and Dunn, be that committee.

Engrossed bill for "An act requiring Clerks and Recorders to reside at their county seats;" was

On motion of Mr. Daley,

Laid on the table.

A bill for "An act for the relief of Leech and Smith;" was read a second time, and

On motion of Mr. Moore,

Referred to the committee on Internal Improvements.

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate, to inform the House of Representatives that they have passed bills of the following titles, viz:

"An act to repeal part of an act regulating the interest on money;"

"An act to change the name of the town of Worcester in Pike county to that of Berry;"

In the passage of which they ask the concurrence of the House of Representatives.

On motion of Mr. Murphy of Vermilion,

The House took up for consideration the bill requiring Clerks and Recorders to reside at their county seats.

On motion of Mr. Daley,

The bill was amended by adding the words "except Perry."

Mr. Alexander moved to amend by inserting at the end of the bill the following:

Provided, That the above provisions in relation to ProbateJustices shall not apply to the Present Probate Justices of Montgomery and Crawford counties.

Mr. Bainbridge moved to amend by adding the following:

Provided, The provisions of this act shall not apply to the county of Williamson for six months after its passage. When,

On motion of Mr. Marshall,

The bill and proposed amendments, were laid on the table till the 4th of July.

Mr. Moore introduced a bill for "An act to extend the time for the location of State roads;" which was read the first time, and on his motion,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Kercheval, introduced a bill for "An act to amend an act relative to runaway Slaves;" which was read the first time, and on his motion,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Referred to the committee on the Judiciary.

Mr. Churchill, introduced a bill for "An act providing for the payment of the expenses of laying out and relocation of county roads;" which was read the first time; when the House refused to order it to a second reading.

Mr. R. Smith offered for adoption the following resolution:

Resolved, That the committee on State roads, be requested to report to this House a bill providing that all free male inhabitants over the age of twenty-one years, and under the age of fifty years, residing in this State shall be required to labour one day on the public roads, within their respective districts, and that all further road labour shall be by assessment on property as is provided in the twentieth section of the eighth article of the Constitution of this State.

Mr. George Smith moved to strike out one day and insert two.

Mr. Johnson moved to insert three days. When,

On motion of Mr. Dubois,

The resolution and proposed amendments were laid on the table by ayes and noes as follows:

Those voting in the affirmative, are,

Messrs. Able, Alexander, Allen of Franklin, Allen of Greene, Bowman, Carpenter, Copland, Crain, Cunningham, Dawson, Dubois, Dunn, Ficklin, Fisk, Green of Greene, Green of Clay, Hardin, Harris, Henry, Houston, Jarrott, Johnson, Logan, Marshall, McCutchen, Morgan, Murphy of Perry, Murphy of Vermilion, Naper, Pace, Phillips, Roman, Simms, Stapp, Thomas of St. Clair, Turney, Webb, Williamson, Wood, Zimmerman, and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Archer, Baker, Brown, Churchill, Cloud, Craig, Daley, Edmonson, Edwards, Elliott, Elkin, English, Gilham, Gouge, Hankins, Happy, Harlan, Henderson, Holmes, Hull, Kent, Kercheval, Kerr, Lincoln, Maus, McCormick, McWilliams, Menard, Moore, Murphy of Cook, Nance, Otwell, Rawalt, Roberts, George Smith, Robert Smith, Starr, Thomas of McLean, Walker of Fulton, and Williams—40.

Mr. Alexander moved that the House now resolve itself into committee of the Whole House on Internal Improvement resolutions which was not agreed to.

On motion of Mr. Henderson,

The following resolution was adopted:

Resolved, That the Board of Public Works be requested to furnish this House with a tabular statement showing the amount paid and due, as well as the amount required to complete the following contracts, to wit:

The grading and bridging of 20 miles of the central Railroad, from Galena southerly:

The grading and superstructure of the same from Rock river to Illinois river:

The grading and superstructure, from Peru south eleven miles:

The grading and timber for superstructure from Cairo North:

The grading and superstructure of the Peoria and Warsaw Railroad, from Peoria to Farmington, and from Farmington to Canton:

The grading and superstructure of the Peoria and Warsaw Railroad, from Warsaw to Carthage and from Carthage to McComb:

The grading and superstructure of the Pekin and Bloomington Railroad from Pekin to Tremont:

The northern cross Railroad from Meridocia to Springfield, from Quincy to Columbus, and from Sidney, East, 36 miles, to Wabash; grading and timber for superstructure:

The Alton and Mount Carmel Railroad, from Alton to Edwardsville, grading and superstructure; and from Mount Carmel to Fairfield, grading and timber for superstructure:

The Alton and Shawneetown Railroad from Shawneetown to Equality, grading and timber for superstructure:

The Rushville and Erie Railroad from Rushville to Erie:

The great Wabash mail route:

The Darwin and Charlestown turnpike road from Darwin to Marshall, grading:

And that the said Board of Public Works furnish this House with their opinion as to the amount that will be required to indemnify the contractors on all roads under contract, and not embraced in the foregoing.

On motion of Mr. Henderson, it was

Resolved by the House of Representatives, That the Canal Commissioners furnish this House at as early a period as practicable what will be the probable loss to the State should the works on the Illinois and Michigan Canal be suspended.

Also, what amount would be lost to contractors by said suspension, or required to be paid by the State as damages to contractors to prevent such loss.

Mr. McCutchen offered for adoption the following resolution:

Resolved, That the President and acting Commissioner of the Board of Canal Commissioners be requested to inform this House, whether or not the office of Treasurer of the Canal Board cannot be dispensed with, without detriment to the public interest, and if so, in what manner the duties now required to be performed by the Treasurer may best be discharged; when,

On motion

The House adjourned.

FRIDAY, January 3, 1840.

House met pursuant to adjournment.

Mr. Naper presented the petition of James McKee; which, without reading, was on his motion, referred to the committee on the Judiciary.

Mr. Nance presented the petition of citizens of Sangamon county, in relation to a change in Menard county line; which, on his motion, was without reading, referred to a select committee.

Ordered, That Messrs. Nance, Moore, and Lincoln be that committee.

Mr. Maus from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles, viz:

"An act in relation to the Commissioner, for the sale of Saline lands in Gallatin county;"

"An act for the relief of certain securities therein named;"

"An act for the benefit of Louisa Jones;"

"An act to amend an act, incorporating the Calhoun Coal and Mining Company;"

"An act to legalize the acts of the Commissioners of Champaign county;"

"An act to change the name of the Kaskaskia Insurance Company."

"An act to revive an act therein named;"

Mr. Naper from the committee on Canals and Canal Lands, introduced a bill for an act to legalize the assessment of taxes taken in McHenry county, in the year 1839;" which was read the first time, and

Ordered to a second reading, and

On his motion, the rule of the House was dispensed with, and the bill read a second time by its title, and

On motion of Mr. Henderson,

Referred to a select committee.

Ordered, That Messrs. Henderson, Naper, & Aldrich be that committee.

Mr. English from the select committee to whom was referred the Senate bill for an act to amend an act to incorporate the Beet Sugar, Silk and vegetable Oil Manufacturing Company; approved February 27th, 1837; reported the same back to the House with an amendment;

Which was concurred in, and the bill read the third time, and passed as amended.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence in said amendment.

Mr. English from the select committee to whom was referred the bill for an act, to amend an act, to create and establish the county of Jersey; reported the same back to the House with amendments, and asked the concurrence of the House therein.

Which was agreed to, and the bill as amended, was

Ordered to be engrossed for a third reading.

Mr. Dawson from the select committee to whom was referred a bill for an act, authorizing Commissioners' Courts to alter, change, and relocate State roads; reported the same back to the House with an amendment.

Which was concurred in, and the bill as amended, was

Ordered to be engrossed for a third reading.

Mr. Edmonson from the select committee to whom was referred the bill for an act to amend an act, concerning estrays; approved February 9th, 1835; reported the same back to the House, and recommended its rejection.

Mr. George Smith offered the following amendment as an additional section.

"Sec. No person shall hereafter be permitted to take up any estray unless he be a freeholder, or shall at the time of taking up such estray be a tax payer on personal property to the amount of two hundred dollars."

Mr. Moore moved to lay the bill and proposed amendment on the table, till the 4th day of July.

Mr. Webb demanded a division of the question, so as first to take the vote on laying the amendment on the table; and on the question of laying the amendment on the table, till the 4th of July,

It was decided in the affirmative, and

On the question to lay the bill on the table till the 4th of July,

It was decided in the affirmative by yeas and nays, on the call of Mr. Hardin and Mr. Edwards.

Those voting in the affirmative, are,

Messrs. Able, Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Bowman, Brown, Carpenter, Cloud, Copland, Craig, Crain, Cunningham, Daley, Dawson, Dubois, Dunn, Edmonson, Elliott, Emmerson, English, Ficklin, Green of Clay, Green of Greene, Gouge, Hankins, Happy, Harlan, Harris, Holmes, Houston, Jarrott, Johnson, Kent, Kerr, Logan, Maus, McCutchen, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Otwell, Pace, Phillips, Rawalt, Roberts, Roman, Simms, George Smith, Robert Smith, Stapp, Starr, Thomas of St. Clair, Thomas of McLean, Turney, Walker of Vermilion, Williamson, Wood, Zimmerman, and Mr. Speaker—64.

Those who voted in the negative, are,

Messrs. Baker, Edwards, Elkin, Gilham, Hardin, Henderson, Henry, Hull, Kercheval, Lincoln, Marshall, McCormick, McWilliams, Menard, Naper, Walker of Fulton, Webb and Williams—18.

Mr. Williams from the select committee to whom was referred the petition of citizens of Adams and Pike counties; reported a bill for an act to locate a State road from Clayton to Worcester.

Which was read the first time, and

Ordered to a second reading, and

On his motion,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed.

Mr. Walker of Fulton, from a select committee to whom was referred the petition of citizens of Fulton county; reported a bill for an act to vacate the town plat of the town of Washington,

Which was read the first time, and

Ordered to a second reading, and

On his motion,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Nance, from the select committee to whom was referred a bill to

incorporate the town of Petersburg, in Menard county; reported the same back, and recommended its passage.

Whereupon, the bill was

Ordered to be engrossed, and read a third time.

Mr. Henderson from the select committee to whom was referred the bill for an act, to legalize the assessment of taxes taken in McHenry county in the year 1839; reported the same back with the following amendment. To insert after the word "McHenry" the words and Stark county;" which was concurred in, and the bill

Ordered to be engrossed for a third reading.

Mr. Hardin from the select committee, which was instructed to prepare and report tabular statements concerning public expenditures, &c., made a report; which, without reading, was

On motion of Mr. Carpenter,

Laid on the table, and

Ordered to be printed.

Mr. Carpenter from the select committee to which was referred the petition of citizens of McLeansboro'; reported a bill for "an act to incorporate the towns therein named;" which was read the first time, and ordered to a second reading, and on his motion,

The rule of the House was dispensed with, and the bill read a second time by its title.

On motion of Mr. Maus,

The bill was amended by inserting after "McCoupin county" "the town of Mackinaw in Tazewell county."

Mr. Stapp moved to amend further by adding "and all other towns, which are now or may hereafter become incorporated," which was not agreed to, and the bill as amended was

Ordered to be engrossed for a third reading.

Mr. Henderson moved the printing of 1000 copies of Mr. Hardin's report; which was laid on the table, and

Ordered to be printed.

Mr. Daley moved the printing of 5000 copies.

Mr. Murphy of Cook moved the printing of 1500 copies.

Mr. Robert Smith moved 150.

Mr. Rawalt moved 2000.

Mr. Gouge moved 3000.

The question being put on each of the motions to print, it was decided to print 1500 copies by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Greene, Archer, Bowman, Brown, Cloud, Copland, Craig, Crain, Daley, Dubois, Emmerson, English, Ficklin, Fisk, Gilham, Green of Greene, Green of Clay, Gouge, Hankins, Happy, Hardin, Harlan, Harris, Henderson, Henry, Holmes, Houston, Hull, Johnson, Kent, Kerr, Logan, Marshall, McCormick, McCutchen, McWilliams, Menard, Moore, Morgan, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Nance, Otwell, Phillips, Rawalt, Roberts, Roman, Simms, George Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Webb, Williams, and Mr. Speaker—59.

Those who voted in the negative, are,

Messrs. Able, Bainbridge, Baker, Carpenter, Cunningham, Dawson,

Dunn, Edmonson, Edwards, Elliott, Elkin, Jarrott, Kercheval, Lincoln, Maus, Naper, Pace, Robert Smith, Turney, Walker of Vermilion, Williamson, Wood, and Zimmerman—23.

On motion of Mr. Henry,

Mr. Hardin was instructed to superintend the printing of the above report.

Mr. Murphy of Cook, from the select committee to whom was referred the petition of Henry B. Clarke; reported the same back to the House, and asked to be discharged from the further consideration thereof; which was granted.

Mr. Baker offered for adoption the following resolutions.

Resolved, That the committee on Finance be instructed to report a bill upon the following principles.

1st. A suspension of all works of Internal Improvement until March 4th, 1841.

2d. A prompt discharge of all Internal Improvement officers, except those necessary to preserve the works, and finish unsettled business.

3d. To provide for an accounting department, and the settlement of all accounts of officers, contractors and others, and the ascertainment of balances for and against the State.

4th. To give a proper tribunal jurisdiction of all cases under the Internal Improvement Law, for and against the State.

5th. To organize a Board who shall have power to contract with companies, so as to secure their co-operation in completing Railroad Improvements now commenced by incorporating such companies by making the amount now expended, Stock at a deduction of . per cent., by authorizing a subscription of one half the amount now expended on any road thus taken in State Bonds at par, where the interest and principal is payable upon such terms as will secure the State when such companies invest the necessary capital, reserving the right to the State to purchase said roads at any time.

6th. To create a sinking Fund for the purpose of defraying accrueing interest, to be irrevocably pledged to this purpose, to be made. 1st of dividends on Bank Stock. 2d. Interest on State moneys. 3d. Proceeds from all Railroads, and 4th, from real estate fund hereby created.

7th. To devote the proceeds of all loans now made and ratified by the Legislature to constitute a real estate fund, to be loaned by the to citizens of the State, at 10 per cent., per annum, in sums not exceeding $1000 to each person, secured by real estate; when,

On motion,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Lincoln,

"A Senate bill for an act to incorporate the Clinton Steam Mill Company;" was taken up, and read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Henry,

The House resolved itself into the committee of the Whole House, upon the subject of the Internal Improvement system.

Mr. Baker in the Chair, and after some time spent therein, the committee rose and reported progress, and asked leave to sit again.

On motion of Mr. Zimmerman,

The House adjourned.

SATURDAY, January 4, 1840.

The House met pursuant to adjournment.

A message from the Governor, by Mr. Field, Secretary of State:

Mr. Speaker: I am directed by the Governor to lay before the House a written communication.

A message from the Senate, by Mr. Bond, Secretary of the Senate:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have passed bills of the following titles, to-wit:

"An act to authorize John A. Clarke, to build a bridge across the Picketonica;"

"An act supplementary to an act to incorporate the town of Bloomington;"

"An act to authorize the county of Jo Daviess to borrow money;"

"An act to amend an actentitled 'An act, to incorporate the Union Agricultural Society;"

"An act to incorporate the city of Quincy;"

"An act to amend an act entitled 'An act, to amend the several acts in relation to common Schools, approved 4th March, 1837;"

"An act to incorporate the Rock Island University;"

"An act authorizing Allen P. Hubbard, to build a mill-dam across Fox river;"

"An act to amend an act to incorporate Knox Manual Labor College;"

"An act for the relief of William Howell of Calhoun county;" and

"An act declaring Fox river navigable;"

In the passage of which said several bills, they ask the concurrence of the House of Representatives.

They have also concurred with the House of Representatives in the passage of the bill from the House for "An act to authorize Benjamin W. Pope, and William Gassaway to build a mill-dam;" as amended by them, in which amendment, they ask the concurrence of the House of Representatives.

An additional message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the passage of the bill from the House of Representatives for "An act to increase the corporate powers of the town of Chester."

But they have indefinitely postponed the further consideration of the House bill for "An act to authorize William H. Piatt, administrator of

James A. Piatt, deceased, to execute deeds to certain lots in the town of Monticello."

Mr. Lincoln presented the petition of sundry citizens of Menard county, in relation to a State road; which, without reading, was on his motion, referred to the committee on State Roads.

Mr. Henry moved to discharge the committee of the Whole House from the further consideration of the resolutions on Internal Improvements.

And the question recurring on the question pending last evening, when the House adjourned,

To grant the committee of the Whole House, on the Internal Improvement resolutions, leave to sit again.

It was decided in the affirmative, and leave was granted; when,

On motion of Mr. Alexander,

The House now resolved itself into committee of the Whole,

Mr. Baker in the Chair, on the subjects connected with the Internal Improvement system; and after some time spent therein, the committee rose and reported that they had had certain resolutions upon the subject of Internal Improvements under consideration, and had struck out all of said resolutions after the word "resolved," and asked the concurrence of the House in their report; when,

On motion,

The House adjourned until 2 o'clock P. M.

TWO O'CLOCK P. M.

House met pursuant to adjournment.

Mr. Crain from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles, to-wit:

"An act to amend an act entitled "An act, to amend an act prescribing the mode of summoning grand and petit Jurors, and defining their qualifications and duties, approved February 13th, 1835;"

"An act concerning certain roads therein named;"

"An act to amend an act entitled 'An act, concerning the road from Warsaw to Quincy, approved February 22d, 1839;"

"An act for the relief of Calvin Gold;"

"An act to build a bridge across the Picketonica river, at Freeport, Stephenson county;"

The question again recurring, pending when the House adjourned.

On concurring with the report of the committee of the Whole House on the subject of Internal Improvements,

It was decided in the negative.

On motion of Mr. Edwards,

All the resolutions referred to the committee of the Whole House, except the resolutions introduced by Mr. Henry, were

Laid on the table.

And the question being upon the adoption of Mr. Henry's resolutions,

Mr. Jarrott moved to amend them by striking out all after the word "resolved" and insert the following:

"That the committee on Internal Improvements be instructed to report bills to this House, incorporating Joint Stock Companies on each of the rail and other roads embraced in the system of Internal Improvements, making the State a Stockholder to the extent of its expenditures on all the roads, the State reserving the right after a given period to purchase the interests of the other Stockholders at the current prices of said stock."

Mr. Starr moved to amend the amendment by striking out all after the first word "That" and inserting the following:

"The committee on Finance be instructed to report to this House a bill to repeal an act entitled "An act, to establish and maintain a general system of Internal Improvements, approved February 27th, 1837," and to provide for the abolishment of all officers under said law, and for the appointment by the Legislature of three Commissioners, with full powers to settle with all contractors, either by arbitration or otherwise, having a due regard to the rights, both of the State and of individuals; and to incorporate in said bill such other provisions as may be deemed necessary to effect and carry out the objects proposed by the bill;" which was not agreed to.

And the question recurring on the proposed amendment offered by Mr. Jarrott,

Mr. Elkin and Mr. Edwards demanded the yeas and nays.

A call of the House being demanded, was continued in for some time, when,

On motion of Mr. Moore,

Further proceedings under the call were dispensed with.

And the vote being taken on agreeing to the proposed amendment offered by Mr. Jarrott,

It was decided in the negative by yeas and nays as follows.

Those who voted in the affirmative, are,

Messrs. Aldrich, Baker, Bowman, Carpenter, Elliott, Elkin, Edwards, Green of Clay, Gouge, Hankins, Henderson, Jarrott, Johnson, Kerr, Lincoln, Lyons, Morgan, Murphy of Vermilion, Rawalt, Roberts, Roman, George Smith, Robert Smith, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Fulton, Webb and Mr. Speaker—28.

Those who voted in the negative, are,

Messrs. Able, Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Churchill, Cloud, Copland, Craig, Crain, Cunningham, Daley, Dubois, Edmonson, English, Ficklin, Fisk, Gilham, Green of Greene, Happy, Hardin, Harlan, Harris, Henry, Holmes, Houston, Kent, Kercheval, Logan, Marshall, McCormick, McCutchen, Moore, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Phillips, Simms, Stapp, Starr, Walker of Vermilion, Williams, Williamson, Wood and Zimmerman —49.

Mr. Henry demanded the previous question.

And on the question, Shall the main question be now put?

It was decided in the affirmative.

The question recurring on the adoption of the resolutions,

Mr. Walker of Vermilion demanded the division of the question, so as to take the vote first on agreeing to second clause of second resolution, as follows:

"Second. To suspend all action and operation in the construction of Railroads;" and upon agreeing to the above clause, the vote was taken by yeas and nays, on the call of Messrs. Daley, and Lincoln, and decided in the affirmative as follows:

Those voting in the affirmative, are,

Messrs. Alexander, Allen of Greene, Baker, Carpenter, Copland, Cloud, Daley, Dubois, Edmonson, Elkin, English, Fisk, Gilham, Green of Greene, Hankins, Happy, Hardin, Harlan, Harris, Henry, Holmes, Houston, Jarrott, Johnson, Kercheval, Kerr, McCutchen, Morgan, Nance, Pace, Phillips, Roman, Simms, George Smith, Stapp, Starr, Thomas of St. Clair, Walker of Fulton, Webb, Williams, and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Allen of Franklin, Archer, Bainbridge, Bowman, Churchill, Craig, Crain, Cunningham, Edwards, Elkin, Ficklin, Green of Clay, Gouge, Henderson, Hull, Kent, Logan, Lincoln, Lyons, Marshall, McCormick, Moore, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Naper, Rawalt, Roberts, Robert Smith, Thomas of McLean, Turney, Walker of Vermilion, Williamson, Wood, and Zimmerman—37.

Mr. Happy demanded a further division of the question, so as first to take the vote on agreeing to the whole of the first clause, after the fourth resolution, conferring exclusive jurisdiction on the Circuit Court of Sangamon county.

And the question being put on agreeing to the aforesaid clause,

It was decided in the negative.

Mr. Hardin demanded a further division of the question, so as to take the vote first on agreeing to the last clause of the ninth clause following the second resolution, as follows:

"Upon condition that the State is released from all claims to damages, by reason of such contractors being checked in their operations, and prevented from fulfilling their contracts."

On the question being put on agreeing to the above clause,

It was decided in the negative.

Mr. Walker of Vermilion demanded a further division of the question, so as to take the vote first on agreeing to the last clause of the twelfth clause following the second resolution, in the following words, to-wit:

"Excepting on the Great Wabash, Illinois and Rock rivers, and so far as the completion of any contract on any other river may be absolutely necessary to preserve what has been done."

And on the question being put, on agreeing to the above clause,

It was decided in the negative by yeas and nays, as follows:

Those voting in the affirmative, are,

Messrs. Alexander, Allen of Greene, Archer, Baker, Bowman, Churchill, Cloud, Craig, Dawson, Dubois, Edwards, Elliott, Emmerson, Ficklin, Gilham, Green of Greene, Happy, Harlan, Henderson, Henry, Holmes, Houston, Hull, Kent, Kercheval, Kerr, McMillan, Moore, Murphy of Cook, Murphy of Vermilion, Roberts, Simms, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Williams—37.

Those voting in the negative, are,

Messrs. Able, Aldrich, Allen of Franklin, Bainbridge, Carpenter, Copland, Crain, Cunningham, Daley, Dunn, Edmonson, English, Fisk, Green

of Clay, Gouge, Hankins, Harris, Jarrott, Johnson, Logan, Lincoln, Lyons, Marshall, McCormick, Menard, Morgan, Murphy of Perry, Naper, Pace, Phillips, Rawalt, Roman, George Smith, Robert Smith, Stapp, Starr, Turney, Webb, Williamson, Wood, Zimmerman, and Mr. Speaker—40.

Mr. Webb demanded a further division of the question, so as first to take the vote on agreeing to the first clause of the twelfth clause following the second resolution in the following words, to-wit:

"Twelfth. To require all work upon the rivers to be suspended."

And on the question being put on agreeing to the above clause,

It was decided in the affirmative, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Aldrich, Allen of Franklin, Baker, Carpenter, Cloud, Copland, Crain, Daley, Dunn, Edmonson, Elliott, English, Fisk, Gilham, Green of Greene, Gouge, Hankins, Happy, Hardin, Harlan, Harris, Holmes, Jarrott, Johnson, Kerr, Lyons, Marshall, Menard, Moore, Morgan, Murphy of Perry, Murphy of Vermilion, Pace, Roman, Simms, George Smith, Robert Smith, Stapp, Starr, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Williamson, Wood, Zimmerman—46.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Greene, Archer, Bainbridge, Bowman, Churchill, Craig, Cunningham, Dawson, Dubois, Edwards, Emmerson, Ficklin, Foster, Green of Clay, Henderson, Henry, Houston, Hull, Kent, Kercheval, Logan, Lincoln, McCormick, McCutchen, McMillan, Murphy of Cook, Nance, Naper, Phillips, Rawalt, Roberts, Thomas of McLean, Turney, Webb, Williams and Mr. Speaker—37.

The question then recurring on agreeing to the balance of the resolutions,

It was decided in the affirmative, by yeas and nays, as follows:

Those voting in the affirmative, are,

Messrs. Alexander, Allen of Greene, Archer, Baker, Carpenter, Cloud, Copland, Daley, Dubois, Edmonson, Edwards, Emmerson, English, Fisk, Gilham, Green of Greene, Hankins, Happy, Hardin, Harlan, Harris, Henry, Holmes, Houston, Jarrott, Johnson, Kercheval, Kerr, Marshall, McCutchen, Morgan, Nance, Pace, Phillips, Roman, Simms, George Smith, Stapp, Starr, Thomas of St. Clair, Walker of Fulton, Webb, Williamson, and Mr. Speaker—44.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Allen of Franklin, Bainbridge, Bowman, Churchill, Craig, Crain, Cunningham, Dunn, Elkin, Ficklin, Green of Clay, Henderson, Hull, Kent, Logan, Lyons, McCormick, Moore, Murphy of Cook, Murphy of Perry, Naper, Rawalt, Robert Smith, Thomas of McLean, Turney, Walker of Vermilion, Williamson, Wood, and Zimmerman—31.

On motion of Mr. Baker,

It was "resolved, that the Clerk be directed to furnish Judge Pearson with the original copy of the charges and specifications preferred against him in this House.

Said charges and specifications being too voluminous to copy.

When the House adjourned till Monday morning, 10 o'clock.

MONDAY, January 6, 1840.

House met pursuant to adjournment.

Mr. Murphy of Vermilion, from the joint select committee, made the following report.

"The joint select committee to which was referred a resolution requiring an investigation into the official acts and doings of the Board of Public Works," &c., report that the committee on the part of the House have made various and ineffectual attempts to organize the joint committee, but that the committee on the part of the Senate have still failed and neglected to meet the committee on the part of the House. Therefore, the House part of said committee ask to be discharged from the further consideration of the subject;" which was not agreed to.

The Speaker laid before the House a communication from the Hon. John Pearson, Judge of the seventh Judicial Circuit of this State, stating that he was now ready with witnesses and counsel, to answer charges preferred against him in the memorial of James M. Strode and others; which was read, and on motion, laid on the table.

Mr. Naper presented the petitions of citizens of Will county, in relation to the Hon. John Pearson, which,

On motion of Mr. Cloud,

Were laid on the table without reading.

Mr. Webb demanded a call of the House, which having been proceeded in for some time, was

On motion of Mr. Moore, discontinued.

Mr. Murphy of Cook offered for adoption the following resolution.

"*Resolved*, That the House of Representatives permit the Hon. John Pearson and counsel to appear before the House during the investigation of the charges preferred against the said John Pearson, as Judge of the seventh Judicial Circuit, by James M. Strode and others, and also be permitted to introduce the witnesses summoned by the House in his behalf, touching said charges, after the witnesses on behalf of the complainants have been examined."

On motion of Mr. Ficklin,

The resolution was amended by striking out all after the word "resolved," and inserting the following.

"That the House of Representatives now resolve itself into a committee of the Whole, upon the charges preferred by James M. Strode and others, against the Hon. John Pearson, Judge of the seventh Judicial Circuit, and that he together with his counsel, be permitted to appear within the Hall of the House; that the committee of the Whole proceed to examine the witnesses as well in favor of, as against the said Judge Pearson, and also, that some one of the individuals preferring charges against Judge Pearson, be permitted to come within the Hall, to aid in the examination. But all questions shall be put by the examiners to the witnesses."

When the resolution as amended was agreed to.

On motion of Mr. Naper,

The petitions presented by him in relation to Judge Pearson, and laid on the table, were taken up, and referred to the committee of the Whole House.

Mr. Happy offered for adoption the following resolution:

"*Resolved*, That the Public Printer be ordered to print three thousand five hundred additional copies of the Report of the select committee, exhibiting statistics of the State, &c."

Mr. Robert Smith moved to amend by requiring also the printing of four thousand additional copies of the Report of the committee on internal Improvements; which was not agreed to.

And the question recurring on the adoption of the resolution presented by Mr. Happy,

It was agreed to, and the resolution adopted.

On motion of Mr. Webb,

The memorial, charges and specifications in relation to Judge Pearson were taken up, and referred to the committee of the Whole House.

Mr. Churchill presented the proceedings of a public meeting of citizens of La Salle county, in relation to Judge Pearson; which, on his motion, were referred without reading, to the committee of the Whole House; when,

On motion of Mr. McMillan,

The House adjournd till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The House met pursuant to adjournment.

On motion of Mr. Naper,

Resolved, That the Clerk of this House make out and furnish the Hon. John Pearson with a copy of the charges and specifications preferred against him by James M. Strode and others.

The Speaker laid before the House a communication from the Governor; which was read, and

On motion of Mr. Webb,

The communication and accompanying documents were laid upon the table.

The Speaker laid before the House a communication from the Governor; which was read, and

On motion of Mr. Webb,

The reading of the accompanying documents was dispensed with, and referred to the committee on Judiciary.

The Speaker laid before the House a communication from William Prentiss, Secretary of the Board of Public Works, containing a tabular statement, showing the amount of work done, and to be done on contracts, of money expended and to be expended to complete contracts on various works specified in said tabular statement; which was read, and

On motion of Mr. Webb,

Was laid on the table.

On motion of Mr. Churchill,

Resolved, That the select committee heretofore appointed by this House to act jointly with a similar committee appointed on the part of the Senate, in an examination of the official acts and doings of the Commissioners of the Board of Public Works, and together with their ac-

counts and vouchers be authorized to proceed in the investigation contemplated by the said joint select committee, notwithstanding the neglect or absence of the Senate's committee to attend such examinations.

Mr. Churchill presented the petition of sundry citizens of Will county, in relation to the charges preferred against the Hon. John Pearson, Judge of the seventh Judicial Circuit; the reading of which was

On motion of Mr. Churchill,

Dispensed with, and referred to the same committee of the Whole House, to which the charges preferred by James M. Strode and others, against the Hon. John Pearson, Judge of the seventh Judicial Circuit had been referred.

On motion of Mr. Daley,

The House resolved itself into committee of the Whole upon the subject of the charges preferred by James M. Strode and others, against the Hon. John Pearson, Judge of the seventh Judicial Circuit of the State of Illinois.

Mr. Thomas of St. Clair in the Chair; and after some time spent therein, the committee rose and asked leave to sit again; which was granted; when, on motion,

The House adjourned.

TUESDAY, January 7, 1840.

House met pursuant to adjournment.

Mr. Crain from the committee on Engrossed Bills, reported as correctly Engrossed, Bills of the following titles, to-wit:

"An act supplemental to an act entitled 'An act, to authorize the inhabitants of Cahokia to raise a levee on the Creek Bank opposite the town of Cahokia;"

"An act to incorporate the North Western Manufacturing Company;"

"An act to amend 'An act concerning Justices of the Peace and Constables, approved February 3d, 1827;"

"An act to legalize the assessment of taxes taken in the counties of McHenry and Stark, in the year 1839;"

"An act authorizing Commissioners Courts to alter, change, and relocate State Roads;"

"An act to incorporate the towns therein named;"

"An act to amend 'An act to create and establish the county of Jersey;"

"An act to re-locate part of a State road in Fayette county;"

Mr. Churchill presented the petition of sundry citizens of Kane county, praying the passage of an act authorizing Scott Clarke and associatse to build a bridge across Fox river;" which, on his motion, without reading, was referred to a select committee of three.

Ordered, That Messrs. Churchill, Thomas ofMcLean, and Williamson be that committee.

Mr. Hardin presented the petition of citizens of Scott and Morgan counties, in relation to the removal of the Penitentiary;" which on his motion, without reading, was referred to a select committee.

Ordered, That Messrs. Hardin, Gilham and English be that committee.

Mr. Hull presented the petition of Samuel Hall for the vacation of a part of the plat of the town of Circleville; which, on his motion, was without reading, referred to a select committee.

Ordered, That Messrs. Hull, Harlan and Lyons be that committee.

Mr. Kercheval presented the memorial of the common council of the city of Chicago; which, on his motion, without reading, was referred to a select committee.

Ordered, That Messrs. Kercheval, Naper and Henderson, be that committee.

Mr. Kent presented the petition of 20 citizens of De Kalb county, praying that three tiers of sections from the North of said county be attached to the county of Boone; which, on his motion, was laid on the table.

Mr. Kent from the committee on Counties, reported "A bill for an act to authorize Charles Read and others to establish a Ferry across Rock river."

Which was read the first time, and

Ordered to a second reading.

And on his motion,

The rule of the House was dispensed with, and said bill was read a second time by its title, and

Ordered to be engrossed and read a third time.

Mr. Crain, on leave, introduced a bill for "An act to locate a State road in the county of Washington."

Which was read the first time, and

Ordered to a second reading, and

On his motion,

The rule of the House was dispensed with, and the bill now read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Naper introduced a bill for "An act requiring the School Commissioner of Cook county to pay over certain monies to the School Commissioners of Will, McHenry, Lake and Du Page counties, or to such other persons as shall be authorized to receive the same."

Which was read the first time, and

Ordered to a second reading, and

On his motion,

The rule of the House was dispensed with, and the bill read a second time by its title, and

On motion of Mr. McCutchen,

Referred to a select committee.

Ordered, That Messrs. McCutchen, Naper and Murphy of Cook be that committee.

Mr. Webb from the committee on Judiciary to whom was referred "A bill for an act in relation to the State Bank of Illinois;" reported the same back to the House without amendment, and

On motion of Mr. Hardin,

The same was referred to a select committee.

Ordered, That Messrs. Hardin, Murphy of Vermilion and Williams be that committee.

Mr. Webb from the committee on the Judiciary, to whom was referred a bill for "An act to amend the act entitled 'An act to provide for securing to mechanics' and others, liens for the value of labor and materials;" reported the same back to the House without amendment.

Whereupon, the bill was

Ordered to be engrossed for a third reading.

Mr. Webb presented sundry documents in relation to charges against the Hon. John Pearson; which, on his motion, were referred to the committee of the Whole House, having the subject of those charges under consideration; when,

On motion of Mr. Murphy of Vermilion,

The House now resolved itself into committee of the Whole,

Mr. Thomas of St. Clair in the Chair, on the charges preferred by James M. Strode and others, against the Hon. John Pearson, Judge of the seventh Judicial Circuit; and after some time spent therein, the committee rose and reported that they had had the subject of charges against Judge Pearson under consideration; had made some progress in the investigation, and asked leave to sit again; which was granted.

And the House adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Moore, on leave, introduced the following resolution.

Resolved, That a select committee of seven be appointed to enquire whether under the Constitution and laws of this State, a law could be passed, authorizing an appropriation out of the State Treasury to indemnify the county of Fayette, for the charges and expenses of keeping the State prisoner, Antony Gikoski in the jail of Clinton county, and that said committee report by bill or otherwise;" which was agreed to, and

Ordered, That Messrs. Hankins, Webb, Lincoln, Ficklin, Moore, Gouge and Stapp be that committee.

On motion of Mr. Elkin,

The House again resolved itself into a committee of the Whole, on the charges preferred against the Hon. John Pearson, and after some time spent therein, the committee rose, and Mr. Thomas of St. Clair, the chairman, reported that they had had the charges preferred against Judge Pearson under consideration, had made some progress in the investigation of said charges, and asked leave to sit again; which was granted; when,

On motion of Mr. Naper,

The House adjourned.

WEDNESDAY, January 8, 1840.

The House met pursuant to adjournment.

Mr. Dawson presented the petition of sundry citizens of Sangamon county, praying a re-location of a certain road therein named.

The reading of which was,

On motion of Mr. Dawson,

Dispensed with, and referred to the committee on State Roads.

Mr. Kercheval presented a petition for the relief of Abraham A. Makle,

The reading of which was,

On motion of Mr. Kercheval,

Dispensed with, and referred to the committee on Canals and Canal Lands.

Mr. Naper presented the petition of sundry citizens of Du Page county, in relation to the charges preferred against the Hon. Judge Pearson, by James M. Strode and others; which was read.

Mr. Naper moved to lay the petition on the table; which was not agreed to.

On motion of Mr. Naper,

Said petition was referred to the committee of the Whole House upon the charges preferred against the Hon. Judge Pearson, Judge of the seventh Judicial Circuit by James M. Strode and others.

Mr. Dawson asked and obtained leave to introduce the following resolution, viz:

Resolved, That this House has no farther use for the assistant Sergeant-at-Arms, Mr. Cook, and that the door-keeper be required to perform the duties of that office; which resolution was agreed to.

Mr. Bowman presented the petition of proprietors and citizens of the town of Mount Carmel, to sell a certain property reserved, and apply the proceeds to building an Academy; the reading of which was,

On motion of Mr. Bowman,

Dispensed with, and referred to a select committee.

Ordered, That Messrs. Bowman, Phillips, and Dubois be that committee.

Mr. Cloud from the committee on Canal and Canal Lands, reported a bill for "An act for the further prosecution of the Illinois and Michigan Canal; which was read the first time, and

Ordered to a second reading.

Mr. Edmonson presented the petition of sundry citizens of the town of McComb, praying for an act to incorporate said town; the reading of which was,

On motion of Mr. Edmonson,

Dispensed with, and referred to a select committee.

Ordered, That Messrs. Edmonson, Aldrich, and McCutchen be that committee.

On motion of Mr. Naper,

The report of the Canal Commisssoners was laid on the table, and one hundred and fifty copies ordered to be printed for the use of the two Houses.

Ordered, That the Clerk inform the Senate thereof.

Mr. Nance asked and obtained leave to introduce a bill for "An act in relation to the State Bank; which was read the first time and on ordering the bill to a second reading,

It was decided in the negative by yeas and nays as follows, to-wit:

Those voting in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Brown, Cloud, Edwards, English, Ficklin, Green of Greene, Gouge, Happy, Henderson, Holmes, Houston, Lincoln, Marshall, Maus, McCormick, Moore, Murphy of Cook, Nance, Naper, Roberts, Roman, Robert Smith, Starr, Thomas of McLean, Thomas of St. Clair, Turney, Webb, Williamson, and Mr. Speaker—36.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Baker, Bowman, Carpenter, Churchill, Craig, Crain, Daley, Dawson, Dubois, Dunn, Edmonson, Elliott, Elkin, Emmerson, Fisk, Foster, Gilham, Green of Clay, Hardin, Harlan, Harris, Henry, Hull, Jarrott, Johnson, Kent, Kercheval, Kerr, Logan, Lyons, McCutchen, McMillan, Menard, Morgan, Murphy of Perry, Otwell, Pace, Phllips, Rawalt, Read, Simms, George Smith, Stapp, Williams, Wood and Zimmerman—48.

Mr. Robert Smith from the committee on Public Accounts and Expenditures; reported a bill for "An act in relation to garnishees; which was read the first time."

The question being taken on ordering the bill to a second reading,

It was decided in the affirmative, by yeas and nays upon the call of Messrs. Churchill and Robert Smith, as follows, to-wit:

Those voting in the affirmative, are,

Messrs. Able, Aldrich, Allen of Greene, Archer, Bainbridge, Bowman, Carpenter, Churchill, Cloud, Craig, Crain, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, English, Fisk, Green of Green, Gouge, Happy, Harris, Henderson, Holmes, Hull, Johnson, Kent, Kercheval, Kerr, Logan, Lincoln, Maus, Moore, Murphy of Perry, Nance, Naper, Otwell, Rawalt, Read, Roberts, Roman, George Smith, Robert Smith, Stapp, Starr, Thomas of McLean, Walker of Vermilion, Williamson, Zimmerman, and Mr. Speaker—51.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Baker, Brown, Cunningham, Daley, Edmonson, Emmerson, Ficklin, Foster, Gilham, Green of Clay, Hardin, Harlan, Henry, Houston, Jarrott, Lyons, Marshall, McCutchen, McMillan, Menard, Morgan, Murphy of Cook, Pace, Phillips, Simms, Thomas of St. Clair, Turney, Webb, Williams, and Wood—32.

On motion of Mr. Webb,

The House resolved itself into committee of the Whole, upon the charges preferred against the Hon. Judge Pearson, Judge of the seventh Judicial Circuit, by James M. Strode and others.

Mr. Thomas of St. Clair in the Chair, and after some time spent therein, the committee rose, reported progress, and asked leave to sit again; which was granted.

On motion,

House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Naper moved that the House adjourn; which was not agreed to.

On motion of Mr. Pace,

The House again resolved itself into committee of the Whole,

Mr. Thomas of St. Clair in the Chair, on the charges preferred against the Hon. John Pearson; and after some time spent therein, the committee rose, reported progress, and asked leave to sit again; which was granted.

Mr. Baker moved for adoption the following resolution.

Resolved, That the standing hour of adjournment be 9 o'clock, A. M.

Mr. Dawson moved to amend by adding "and 7 o'clock, P. M."

Mr. Naper moved to lay resolution and amendment on the table; which was not agreed to.

On motion of Mr. Craig,

The amendment was laid on the table; when the resolution was agreed to.

Mr. Stapp moved for adoption the following resolution.

Resolved, That until the case of the Hon John Pearson now pending before this House, be disposed of, no new business, nor any business not relating to the above case, will be received or acted upon by this House.

Mr. Craig moved to lay the above resolution on the table.

Mr. Naper moved that the House now adjourn.

On which motion, the yeas and nays were demanded by Mr. Zimmerman and Mr. Daley, and were as follows:

Those voting in the affirmative, are,

Messrs. Able, Aldrich, Allen of Franklin, Allen of Greene, Baker, Brown, Churchill, Cloud, Craig, Crain, Daley, Edmonson, Elkin, English, Fisk, Foster, Green of Greene, Gouge, Henderson, Henry, Houston, Jarrott, Johnson, Kercheval, Marshall, Menard, Morgan, Murphy of Perry, Naper, Phillips, Rawalt, Read, Roman, Robert Smith, Thomas of St. Clair, Webb, Williams, Williamson, and Mr. Speaker—39.

Those voting in the negative, are,

Messrs. Alexander, Archer, Bainbridge, Bowman, Carpenter, Cunningham, Dawson, Dubois, Edwards, Emmerson, Gilham, Harlan, Harris, Holmes, Hull, Kent, Kerr, McCutchen, McCormick, Nance, Otwell, Pace, Roberts, Simms, George Smith, Stapp, Starr, Thomas of McLean, Turney, Walker of Fulton, and Zimmerman—31.

The House adjourned.

THURSDAY, Janury 9, 1840.

House met pursuant to adjournment.

Mr. Webb demanded a call of the House which was had; and after proceeding for some time, further proceedings under the call were dispensed with.

The question pending last evening when the House adjourned,

On motion of Mr. Craig,

To lay the resolution introduced by Mr. Stapp on the table, coming up for consideration, it was decided in the negative; and the resolution was then adopted.

Mr. Lincoln presented the petition of citizens of Sangamon and Menard counties; which without reading, was, on his motion referred to a select committee.

Ordered, That Messrs. Lincoln, Nance, and Harris, be that committee.

On motion of Mr. Fisk,

The House now resolved itself into a committee of the Whole, on the charges preferred against Judge Pearson, Mr. Thomas of St Clair, in the chair, and after some time spent therein, the committee rose; and reported progress, and asked leave to sit again; which was granted.

A message from the Senate, by Mr. Bond, their Secretary.

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the adoption of the resolution from the House providing for the election of three competent persons well skilled in the laws, to revise and condense all laws of a general nature of this State, &c., as amended by them.

They amend said resolution by adding the following thereto, to wit:

"And also to collect all the territorial Statutes of a general nature, and finally to append to the said collection, a list by their titles and date of enactment, of all laws of a general nature which might bear upon the rights of parties under them and which have been repealed with the date of such repeal:"

In the adoption of which amendment they ask the concurrence of the House of Representatives.

They have also passed bills of the following titles, to wit:

"An act to authorize certain persons therein named to keep a ferry;"

"An act to amend an act concerning attachments. Approved, Feb. 12, 1833;"

"An act to attach the county of Lee to the sixth Judicial district;"

"An act to legalize the assessment of taxes in the county of De Kalb for the year, 1839;"

"An act to amend an act to incorporate the La Salle Charity Hospital, approved February 23d, 1839;"

"An act to authorize Pope county, to pay off public debt;" and

"An act to amend an act, entitled 'An act to incorporate the Rock Island Mutual Fire Insurance Company."

In the passage of which several bills, they ask the concurrence of the House of Representatives.

Mr. Moore from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles, to-wit:

"An act for the relief of Lake county;"

"An act to legalize the survey, and re-location of part of a State road therein named;"

"An act to amend an act establishing the county of Williamson, approved February 28th, 1839;"

"An act to amend an act entitled 'An act, to vacate the survey and plat of the town of Middleton;"

"An act to legalize the assessment of taxes for the county of Du Page;"

When, on motion,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Crain from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles, viz:

"Relating to certain records in the counties of Franklin, Williamson, Morgan and Cass;"

"An act authorizing Ira Mirard, Read, Fearson, Bela I. Hunt, and Darwin Millington, to build a dam across Fox river;"

"An act to change a part of a State road, leading from Griggsville to Quincy;"

"An act exempting certain articles from execution, in addition to those already exempt by the laws of this State;"

"An act to incorporate the Kishwaukee Bridge Company at Kishwaukee;"

"An act to authorize the Commissioners of the Illinois and Michigan Canal, to sell certain Lands;"

"An act to extend the time for the location of State Roads."

The Speaker laid before the House a communication from William F. Thornton, the President of the Board of Canal Commissioners, enclosing the report of the Chief Engineer on the Illinois and Michigan Canal; which was,

On motion of Mr. Naper,

Laid on the table, and

Ordered to be printed.

The Speaker laid before the House a communication from the Hon. Sidney Breese; which, without reading, was referred to the committee on Judiciary.

The Speaker laid before the House a communication from J. B. Thomas, Commissioner for the first Judicial Circuit; which was read and laid on the table.

Mr. Webb demanded a call of the House; and proceedings being had thereon for some time, was,

On motion of Mr. Edwards, discontinued.

On motion of Mr. Dubois,

The resolution adopted this morning in relation to receiving business during the investigation of charges against Judge Pearson, was re-considered; and

On motion of Mr. Moore,

The same was laid on the table.

Mr. Marshall, on leave, introduced a bill for 'An act, providing for a resurvey of lands in certain cases;" which was read the first time, and

Ordered to a second reading, and

On his motion,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Referred to the committee on the Judiciary.

Mr. Read, on leave, introduced a bill for "An act in relation to the assessment of taxes in Pope county;" which was read the first time, and

Ordered to a second reading, and

On his motion,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Lyons on leave introduced a bill for "An act in relation to Public Works;" which was read the first time, and

Ordered to a second reading, and

On his motion,

The rule of the House was dispensed with, and the bill read a second time by its title, and

On motion of Mr. Alexander,

Referred to the committee on Finance.

Mr. Henry, on leave, introduced a bill for 'An act for the relief of incorporated towns;' which was read the first time, and

Ordered to a second reading.

Mr. Robert Smith from the select committee to whom was referred a Senate bill for "An act, requiring Pedlars to procure license;" reported the same back with an amendment.

Which was read and concurred in.

On motion of Mr. Carpenter,

The bill was further amended by striking out the word "ten" in 14th line of first section, and inserting "five."

On motion of Mr. McCutchen,

The bill was further amended by inserting after the word "pedlar" wherever it occurs, the words "or auctioneer."

On motion of Mr. George Smith,

The first section of the bill was further amended by the adoption of the following additional proviso.

"*Provided*, That nothing herein contained shall be so construed as to require persons selling goods at an executors or administrators sale, to procure a license;" when the bill as amended, was

Ordered to a third reading.

Mr. Thomas of McLean, from the select committee to whom was referred the petition of citizens of McLean county, reported a bill for "An act, to authorize Scott Clark and associates to build a bridge across Fox river."

Which was read the first time, and

Ordered to a second reading.

On his motion,

The rule of the House was dispensed with, and the bill read the second time by its title, and

Ordered to be engrossed for a third reading.

On motion of Mr. Williams, it was

Resolved, That each of the acting Commissioners of the 1st, 2d, 3d, 4th, 5th, 6th and 7th Judicial Circuits be required to report to this House at as early a day as practicable, what amount of money is due to contractors, engineers and others upon drafts or other vouchers by them respectively, filed with the Secretary of the Board of Public Works, specifying the number or description of each of such drafts or vouchers, the amount due upon each, and the name of the person to whom due.

Mr. Fisk moved that the House now resolve itself into a committee of

the Whole, on the charges against Judge Pearson; which was not agreed to.

Mr. Webb moved for adoption the following resolution.

Resolved by the House of Representatives of the General Assembly of the State of Illinois, That the Hon. John Pearson, Judge of the seventh Judicial Circuit, be impeached for official misconduct."

Mr. Pace moved to amend by striking out all after the word "Illinois" and inserting the following:

"That the evidence adduced in support of the charges preferred against the Hon. John Pearson, Judge of the seventh Judicial Circuit, is not sufficient to authorize this House in finding an impeachment in said case."

Mr. Murphy of Cook moved to amend by striking out all after the word "resolved" and insert the following as a substitute."

"*That whereas*, certain testimony has been had before this House against the official conduct of the Hon. John Pearson.

And whereas, said John Pearson has not been yet heard in his defence." Therefore,

Resolved, That it would be arbitrary and tyrannical, and contrary to the principles of justice, and our institutions to proceed to an impeachment of the said John Pearson, without giving him a full opportunity for rebutting the evidence already adduced.

Mr. Murphy of Perry moved to lay the resolution and proposed amendments on the table.

Mr. Hardin demanded a division of the question, so as first to take the vote on laying the amendment of Mr. Murphy of Cook on the table.

And the question being put on laying said amendments on the table,

It was decided in the affirmative.

And the question recurring on laying the resolution and other amendments on the table,

It was decided in the affirmative.

On motion of Mr. Murphy of Perry,

The House now resolved itself into a committee of the Whole, on the charges preferred against Judge Pearson.

Mr. Thomas of St. Clair in the Chair; and after some time spent therein, the committee rose and reported.

Mr. Edwards moved to take up for consideration the resolutions and amendments laid on the table, in relation to the impeachment of Judge Pearson; which was agreed to.

Mr. Fisk asked and obtained leave of absence for Mr. Hankins, a Representative from the county of Fayette.

Mr. Hardin demanded a call of the House; which being continued for some time, was on motion dispensed with; and

The House adjourned.

FRIDAY, January 10, 1840.

House met pursuant to adjournment.

A message from the Governor, by Mr. Field, Secretary of State.

Mr. Speaker: I am directed by the Governor, to lay before the House of Representatives, a written communication.

Mr. Kent presented the petition of citizens of Winnebago county, for revising an act and re-appointment of Commissioners to a State road; the reading of which was,

On motion of Mr. Kent,

Dispensed with, and the same referred to the committee on State roads.

Mr. Kent presented the petition of sundry citizens of Ogle and Winnebago counties, to set off four townships to Winnebago county; the reading of which was,

On motion of Mr. Kent,

Dispensed with, and referred to the committee on Counties.

Mr. Kent presented the petition of the citizens of Ogle county, in township 42, range one and two East of the 3d principal meridian to be set off to Winnebago county; the reading of which was,

On motion of Mr. Kent,

Dispensed with, and referred to the committee on Counties.

Mr. Read presented the petition of Jason B. Smith; the reading of which was,

On motion of Mr. Read,

Dispensed with, and referred to the committee on Judiciary.

Mr. McWilliams moved to reconsider the vote taken on "A bill for an act for the relief of incorporated towns;" which was agreed to; when the bill was

Ordered to a second reading, and

On motion of Mr. McWilliams,

The rules of the House were dispensed with, and the bill now read a second time by its title, and on motion, was referred to the committee on Finance.

Mr. Henderson presented the proceedings of a meeting of the citizens of Magnolia, in Putnam county, in relation to the Internal Improvement system; the reading of which was,

On motion of Mr. Henderson,

Dispensed with, and referred to the committee on Internal Improvement.

Mr. Archer presented the petition of sundry citizens of Clark county, praying for an alteration in the State road from Darwin to New Richmond; the reading of which was,

On motion of Archer,

Dispensed with, and referred to the committee on State Roads.

Mr. Hardin from the committee on Judiciary, reported a bill for "An act to abolish the Board of Fund Commissioners and Public Works, and to create a Board of Internal Improvements;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Hardin,

The rule of the House was dispensed with, and the bill read a second time by its title.

Mr. Henderson moved to amend the bill by adding after the words "three members" the following, viz:

"To consist of the Governor, Auditor, Secretary, and Treasurer, ex-officio;" which was not agreed to.

Mr. Murphy of Vermilion moved to amend the bill by striking out the words, "same compensation as said Board of Public Works are now al-

lowed" and insert the following "a salary of one thousand dollars each per annum in full for their services."

Mr. Moore moved to refer the bill and amendment to the committee on Internal Improvement; which was not agreed to.

The question was then taken on the amendment proposed by Mr. Murphy of Vermilion, and agreed to.

Mr. Gouge moved to further amend the bill by adding as an additional section, viz:

"SEC. That the Board of Internal Improvement be authorized to dispose of all Railroads to Companies now corporated or to be corporated for such purposes, and that they be authorized and required to receive Internal Improvement Bonds in payment for the same."

Mr. Edwards moved to lay the bill together with the amendments on the table.

Mr. George Smith demanded a division of the question, so as first to take the vote on laying the amendment on the table.

The vote being taken on laying the amendment on the table,

It was decided in the affirmative.

On motion of Mr. Robert Smith,

The bill was referred to a select committee of nine.

Ordered, That Messrs. Robert Smith, Hardin, Moore, Henderson, Kercheval, Archer, Walker of Fulton, Craig ,and Marshall, be that committee.

Mr. Walker of Vermilion from the committee on Finance to whom was referred a bill for "An act to distribute the school fund to the several counties in the State;" reported the same back to the House without amendment, and recommended its passage.

The resolution and proposed amendment in relation to the impeachment of the Hon. Judge Pearson, pending, when the House adjourned last evening, coming up for consideration,

Mr. Daley demanded a call of the House, during the pending of the call of the House,

Mr. Zimmerman, on leave, introduced the following preamble and resolution, viz:

Whereas, the present Justices of the Supreme Court of Illinois have been in office for a longer period of time than is consistent with the spirit and genius of our Republican Institutions; and the salutary principle of rotation in office, is necessary for the preservation, purity and virtue, on the part of the functionaries of our government.

And whereas, since the organization of said Court, the State has been rapidly growing in wealth, population, intelligence, and all things pertaining to the well being and prosperity of civil society, with the exception of the intellectual improvement of the Justices of said Court.

And whereas, a majority of said Court recently committed a palpable violation of the Constitution of the State in their decision, relating to the office of Secretary of State, and whether said decision was the offspring of ignorance, or the result of partizan feeling, it is alike discreditable to the State, and unworthy of the high tribunal from which it emanated.

And whereas, it is the opinion of this General Assembly, that a vast

majority of the citizens of Illinois, ardently desire a change in the officers of said Court on the ground of incompetency, and inability to discharge the duties devolving on them, and also for other and divers good and sufficient reasons.

Therefore be it resolved by the General Assembly of the State of Illinois, That the Justices of the Supreme Court be, and they are hereby addressed out of office.

Mr. Cunningham moved to lay the preamble and resolutions on the table, until the 4th day of July next.

Mr. Maus moved to lay said preamble and resolutions on the table, which was decided in the negative by yeas and nays, the same being demanded by Mr. Murphy of Cook, and Zimmerman, as follows, viz:

Those voting in the affirmative, are.

Messrs. Archer, Bowman, Brown, Churchill, Cloud, Harris, Kercheval, Logan, Maus, Moore, Murphy of Perry, Naper, Pace, Roman, Robert Smith, Thomas of St. Clair, Turney, Walker of Vermilion, Willamson, Wood, and Mr. Speaker—20.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Baker, Carpenter, Craig, Crain, Cunningham, Daley, Dawson, Dubois, Dunn, Edmonson, Edwards, Elkin, Emmerson, English, Fisk, Foster, Green of Clay, Green of Greene, Gouge, Happy, Hardin, Harlan, Henry, Holmes, Houston, Hull, Jarrott, Johnson, Kent, Kerr, Lincoln, Lyons, Marshall, McCormick, McCutchen, McMillan, McWilliams, Menard, Morgan, Murphy of Cook, Murphy of Vermilion, Nance, Otwell, Phillips, Rawalt, Read, Roberts, Simms, George Smith, Stapp, Starr, Thomas of McLean, Walker of Fulton, Webb, Williams, and Zimmerman—62.

The door-keeper having made his report under a call of the House, the consideration of the resolution and amendment in relation to the impeachment of the Hon. John Pearson, was again under consideration.

The question being taken on the amendment offered by Mr. Pace,

It was decided in the affirmative by yeas and nays as follows, to-wit:

Those voting in the affirmative, are,

Messrs. Able, Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Carpenter, Churchill, Cloud, Crain, Daley, Edmonson, English, Fisk, Foster, Green of Clay, Green of Greene, Gouge, Happy, Harris, Holmes, Houston, Kercheval, Logan, Maus, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Roberts, Roman, Simms, Robert Smith, Thomas of St. Clair, Turney, Walker of Fulton, Walker of Vermilion, Williamson, Wood, Zimmerman and Mr. Speaker—45.

Those who voted in the negative, are,

Messrs. Aldrich, Archer, Baker, Bowman, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Emmerson, Ficklin, Hardin, Harlan, Henderson, Henry, Hull, Jarrott, Johnson, Kent, Kerr, Lincoln, Lyons, Marshall, McCormick, McCutchen, McMillan, Menard, Murphy of Vermilion, Otwell, Phillips, Rawalt, Read, George Smith, Stapp, Starr, Thomas of McLean, Webb and Williams—40.

The question was then taken on the adoption of the resolution as

amended, and decided in the affirmative by yeas and nays as follows, viz:

Those who voted in the affirmative, are,

Messrs. Able, Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Carpenter, Churchill, Cloud, Crain, Daley, Edmonson, English, Fisk, Foster, Green of Clay, Green of Greene, Gouge, Happy, Harris, Holmes, Houston, Kercheval, Logan, Maus, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Roberts, Roman, Simms, Robert Smith, Thomas of St. Clair, Turney, Walker of Fulton, Walker of Vermilion, Williamson, Wood, Zimmerman and Mr. Speaker—45.

Those who voted in the negative, are,

Messrs. Aldrich, Archer, Baker, Bowman, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Emmerson, Ficklin, Hardin, Harlan, Henderson, Henry, Hull, Jarrott, Johnson, Kent, Kerr, Lincoln, Lyons, Marshall, McCormick, McCutchen, McMillan, Menard, Murphy of Vermilion, Otwell, Phillips, Rawalt, Read, George Smith, Stapp, Starr, Thomas of McLean, Webb and Williams—40.

On motion of Mr. Elkin,

Resolved, That the witnesses in attendance on the charges preferred against the Hon. John Pearson, by James M. Strode and others be discharged.

Mr. Lincoln from the select committee to whom was referred a certain petition, reported a bill for "An act to establish a State road from Petersburgh in Menard county, to Waverly in Morgan county; when,

On motion,

The House adjourned until 2 o'clock P. M.

TWO O'CLOCK P. M.

House met pursuant to adjournment.

Mr. Pace, on leave, introduced a bill for "An act, making appropriations for the years 1839 and 40;" which was read the first time, and

Ordered to a second reading, and

On his motion,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Referred to the committee on Public Accounts and Expenditures.

On motion of Mr. Hardin,

The House proceeded to consider the orders of the day, and Senate bills of the following titles were severally read the first time, and

Ordered to a second reading.

"An act to amend an act to incorporate the La Salle Charity Hospital, approved February 23d, 1839;"

"An act to repeal part of an act regulating interest on money;"

"An act to authorize John A. Clark to build a bridge across the Picketonica river;"

Senate bills of the following titles were severally read the first time, and

Ordered to a second reading, and

The rules being on motion dispensed with, were read severally a second time, and

Ordered to a third reading, to-wit:

"An act to amend an act entitled 'An act, to incorporate the Rock Island Mutual Fire Insurance Company;"

"An act to authorize certain persons therein named to keep a Ferry;"

"An act to authorize the county of Jo Daviess to borrow money;"

"An act to amend an act entitled 'An act to amend the several acts in relation to common Schools, approved March 4th, 1839;"

"An act to incorporate the Rock Island University;"

"An act to amend an act to incorporate the Knox Manual Labor College."

Senate bills of the following titles were severally read the first time, and

Ordered to a second reading, and

On motion,

The rule of the House was dispensed with, and the same were severally read a second and third times by their titles, and passed, to-wit:

"An act to legalize the assessment of taxes in the county of De Kalb, for the year 1839;"

"An act to attach the county of Lee to the sixth Judicial Circuit;"

"An act authorizing Allen P. Hubbard to build a mill-dam across Fox river;"

"An act declaring Fox river navigable;"

"An act to change the name of the town of Worcester, in Pike county to that of Barry;"

Ordered, That the titles be as aforesaid, and that the Clerk inform the Senate thereof.

Senate bills of the following titles were severally read the third time and passed, to-wit:

"An act to authorize Henry W. Cleaveland to build a toll bridge across Winnebago Swamp, approved February 19th, 1839;"

"An act for the incorporation of the Fayette Steam Mill Company;"

"An act to vacate the plat of the town of Cottage Grove, in the county of Cook;"

Ordered, That the titles be as aforesaid, and that the Clerk inform the Senate thereof.

Senate bills of the following titles were severally read the first time, and

Ordered to a second reading, and

On motion,

The rule of the House was dispensed with, and the same were severally read the second time by their titles, and referred to the committee on Public Accounts and Fxpenditures, to-wit:

"An act for the relief of Willam Howell of Calhoun county;"

"An act to amend an act entitled 'An act, to incorporate the Union Agricultural Society;"

Senate bill for "An act to revive and continue in force, an act entitled "An act to locate a certain State road therein mentioned, approved February 27th, 1839;" was read a second time, and

Ordered to a third reading.

Senate bill for "An act, supplemental to an act, to incorporate the town of Bloomington;" was read the first time, and

Ordered to a second reading, and

On motion of Mr. Moore,

The rule of the House was dispensed with, and the bill read a second time by its title, and referred to a select committee.

Ordered, That Messrs. Moore, Thomas of McLean, and Logan be that committee.

Senate bill for "An act to incorporate the city of Quincy;"

The rule of the House was dispensed with, and the bill read a first time by its title, and

Ordered to a second reading, and

On motion of Mr. Allen of Greene,

The rule of the House was again dispensed with, and the bill read now a second time by its title, and

Referred to the committee on the Judiciary.

Senate bill for "An act to authorize Pope county to pay off public debt;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Read,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Referred to a select committee.

Ordered, That Messrs. Read, Allen of Franklin, and Dunn be that committee.

Senate bill for "An act to amend an act concerning attachments, approved February 12th, 1833;" was read the first time, and

Ordered to a second reading, and

On motion of Mr. George Smith,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Referred to the committee on the Judiciary.

The Senate amendment to the House bill for "An act to authorize Benjamin W. Pope, and William Gassaway to build a Mill-dam;" was read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

The amendment of the Senate to the joint resolutions from the House, providing for the election of three competent persons well skilled in the law to revise and condense all laws of a general nature of this State, &c. was read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Hardin,

The bill for "An act to provide for the auditing and settling the accounts of public officers;" was taken up for consideration.

Mr. Hardin offered the following amendments.

"Amend the second section in the 5th line, by striking out the word "four" and inserting the word "two" also by inserting the word "their" after the word "until."

"Amend the 18th section, by inserting after the word "works" in first line, "Board of Fund Commissioners, State House Commissioners, and also of agents appointed to sell State Bonds for Canal purposes," also to strike out "that" in second line, and insert "these."

Fill blank in 2d section with "four."

Mr. Allen of Greene moved to refer the bill and proposed amendments to a committee of the Whole House; which was not agreed to.

Mr. Zimmerman moved to lay the bill and proposed amendments on the table till the 4th day of July next; when,

On motion of Mr. Webb,

The bill and proposed amendments were referred to the committee on Judiciary.

Engrossed bills of the following titles were severally read the third time and passed, to-wit:

"An act to authorize the Commissioners of the Illinois and Michigan Canal to sell certain lands;"

"An act to extend the time for the location of State Roads;"

"An act to incorporate the Kishwaukee Bridge Company at Kishwaukee."

Ordered, That the titles be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Webb, on leave, the rule being dispensed with, introduced a bill for "An act to compensate certain witnesses; which was read the first time, and

Ordered to a third reading.

On motion of Mr. Naper,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

And on the further motion of Mr. Naper,

The rule of the House was again dispensed with, and the bill now read the third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in its passage.

Mr. Edwards, on leave, offered for adoption the following resolution.

Resolved, That the committee on the Judiciary be instructed to amend the bill for an act, to provide for the auditing and settling the accounts of public officers, so as to provide that the Governor, Auditor, Treasurer and Secretary of State, shall constitute the accounting department."

Mr. Hardin moved to amend by striking out "instructed" and inserting "enquire into the expediency."

Mr. Naper moved to amend by striking out "Secretary of State;" which was not agreed to.

Mr. Dawson moved to amend by striking out "Governor;" which was agreed to.

And the resolution as amended was agreed to; when,

On motion,

The House adjourned.

SATURDAY, January 11, 1840.

The House met pursuant to adjournment.

Mr. Dawson demanded a call of the House, which was continued for some time; and, on motion, further proceedings under the call of the House were dispensed with.

Mr. McCutchen presented the memorial of James W. Singleton, preferring charges against Peter Lott, Judge of the 3d Judicial Circuit, which was read, and referred,

On motion of Mr. Williams,

To a select committee of five.

Ordered, That Messrs. Williams, McCutchen, Walker of Fulton, Edmonson, and McWilliams, be that committee.

Mr. Baker and others, presented a protest and demanded that it be entered on the Journals of this House; which was accordingly done.

The protest is as follows, to wit:

The undersigned members of the House of Representatives, have seen with unalloyed regret, the decision of the House, in favor of the resolutions against impeaching John Pearson, Judge of the 7th Judicial Circuit, upon the charges and specifications lately preferred against him.

Those charges were of a high and grave character, and as evidence that they were so considered by the House, it will be seen that the House resolved by a very large majority, to have the proof relied upon to sustain them: That proof has been heard, it has not only tended to sustain, but it has established by the highest grade of testimony, every specification alleged against the respondent; nor is there one fact stated in those specifications which has not been proved, either by the records of the Circuit Court, or the oaths of two respectable and intelligent witnesses; and we have embodied in this protest some of the facts thus established. It has been proved that John Pearson, Judge of the 7th Judicial Circuit, has violated the right of trial by Jury, by refusing the counsel for the prisoner a peremptory challenge to a juror, his prescribed number of challenges not being exhausted; alleging as a reason therefor, a rule of practice of his circuit which was unreasonable, against the forms of the law, and the letter and spirit of the Constitution. He has prevented an appeal from his decision to a higher tribunal, by refusing in numerous cases to sign "bills of exceptions," containing a statement of his decision, and the testimony on which such decision was based, when he as well as the counsel in whose favor he decided, admitted these statements to be true; and when the Statutes of the State expressly making it his duty to sign such bills of exception, have been read to him, he still persisted in his refusal, saying, that such statutes were but a "legislative flourish."

He has arrogated to himself the right of final decision, subject to no appeal, by refusing to hear and disobeying the process of the Supreme Court of the State of Illinois, commanding him to sign a bill of exceptions, thereby treating the mandates of a Supreme Court with contempt, and denying an appeal from the tribunal over which he presided. He has treated with contempt and scorn, the process of a Court of the United States, which he was bound to obey by refusing to hear it, and by treating it with utter neglect. He has acted in an arbitrary and oppressive manner, by threatning counsel for presenting in a respectful manner the process of the Supreme Court, and of the District Court of the United States, and by actually punishing them for so doing, not once only but repeatedly, under the influence of passion, and excitement, thereby perverting the power placed as a sacred trust in his hands to the indulgence of personal feeling and private resentment.

He has shown culpable ignorance of the law, by quashing an indictment for the sole reason that the clerk had left out one word in the copy delivered to the prisoner, and by quashing indictments at one term, for the single reason that the date in the caption was in figures, when the statutes of the State expressly directs the caption to be so written. Thereby permitting crime to have a free course, obstructing public justice and degrading the character of the Judiciary in the eyes of the world.

These facts have been proved in the presence of this House, and every candid observer will bear us witness that they have received no darker coloring from our statements, and yet with these startling facts fresh in the recollection of the House it has been solemnly decided by a majority, in which was included every member agreeing in political sentiments with the respondent that they did not afford reason that the said John Pearson should be impeached, that decision is final; he is again to ascend the bench, again to be entrusted with the issues of life and death, and again to officiate not merely as a minister of stern and impartial justice, but as the representative of the majesty and dignity of the law.

To permit this result without the formality of a trial, is in our estimation dangerous if not fatal to the purity of the Judicial character. We have ever struggled to maintain the independence of the Judiciary, and to place it high above the assaults of party violence and political feeling, but we have also desired to see all Judges amenable to the law, they are called upon to administer, and subject to those restraints wisely provided for in other countries and the Constitution of our own. We believe that in this case the authority of precedent, the usages of the past, and the dictates of the Constitution have been alike disregarded, and being firmly of opinion that the decision of this House will tend to render our judges irresponsible, and to bring our courts into contempt, to destroy the rights of individuals, and cast disrespect on the administration of public justice. We therefore present this remonstrance against the judgment of the House; and if as citizens of the State rejoicing in her honor, and sorrowing in her shame, we shall find these predictions fulfiled, and be compelled to look back to the action of this honorable House, as the fruitful source of Judicial tyranny and oppression, casting a stain upon the public character and bringing ruin to individual interest, we at least desire that all men may know that we have not assented to the decision; so we are not answerable for the consequences; wherefore, against the resolution of this House, declaring that the Hon. John Pearson, Judge &c. should not be impeached and brought to trial, we do most respectfully but earnestly protest.

E. D. Baker,
Germanicus Kent,
John Henry,
Andrew McCormick,
Moses Harlan,
Cheney Thomas,
E. B. Webb,
W. B. Archer,
James H. Lyons,
A. Lincoln, true as *I* believe,
Archibald Williams,
Joseph G. Bowman,
Wyatt B. Stapp,
Allen Emmerson,
Alexander Phillips,
Robert McMillan,
John J. Hardin,
John W. Read,
John Dawson,
William Otwell,
Jesse K. Dubois,
J. Dunn,

James H. Murphy, James Craig,
Vital Jarrott, Alden Hull,
Saml. D. Marshall, James J. Cunningham,
Wm. H. Henderson, Richard W. Starr,
Richard Kerr, Wm. F. Elkin.

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representative, that the Senate have this day laid upon the table the reports of E. B. Webb, Esq., State Director, in the Bank of Illinois, and of Robert Alllen, W. P. Grimsley, and James W. Keys, Esqrs. State Directors in the State Bank of Illinois, in reply to a resolution of the Senate, requesting said Directors to communicate to the Senate whether or not they concurred with the Directors on the part of the private Stockholders, in the suspension of Specie payments by said Banks, &c., and have ordered said reports to be printed for the use of the two Houses.

They have passed bills of the following titles, viz:

"An act to limit the duration of the office of Clerks of the Circuit Courts" and

"An act to authorize H. H. Gear to keep a Ferry acrosss the Mississippi River;"

In the passage of which said several bills, they ask the concurrence of the House of Representatives.

On motion

The House adjourned till three o'clock, P. M.

THREE O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Crain from the committee on Engrosed Bills, reported as correctly engrossed, bills of the following titles, to wit:

"An act amendatory of an act concerning the public revenue; approved, February 26, 1837;"

"An act to regulate the proceeding on the redemption of real estate sold under execution;"

"An act to incorporate the Springfield mechanic's Union;"

"An act to vacate the town plat of the town of Washington;"

"An act to locate a State road from Clayton to Worcester;"

The Speaker laid before the House a communication from the Governor; which was read together with the accompanying documents, and referred to the committee on Finance.

A bill from the Senate for "An act to authorize H. H. Gear to keep a Ferry across the Mississippi river;" which was read the first time, and,

Ordered to a second reading, and

On motion of Mr. Craig,

The rule of the House was dispensed with, and the bill read a second time by its title, and

On his further motion,

The rule of the House was further dispensed with, and the bill read a third time by its title and passed.

Ordered, That the Clerk inform the Senate of the concurrence of the House in the passage of said bill.

A bill from the Senate for "An act to limit the duration of the office of Clerks of the Circuit Courts;" was read the first time, and on

Ordering the bill to a second reading,

It was decided in the affirmative by ayes and nayes, upon the call of Messrs. Stapp, and Thomas of McLean, as follows, to wit:

Those who voted in the affirmative, are,

Messrs. Able, Aldrich, Allen of Greene, Archer, Bainbridge, Bowman, Brown, Carpenter, Churchill, Craig, Crain, Daley, Dubois, Emmerson, English, Fisk, Green of Clay, Green of Greene, Harlan, Henderson, Henry, Hull, Johnson, Kent, Kerr, McMillan, Morgan, Murphy of Perry, Nance, Otwell, Rawalt, Read, George Smith, Robert Smith, Stapp, Thomas of McLean, Turney, Thomas of St. Clair, Williams, Wood, and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Bainbridge, Dawson, Dunn, Edmonson, Edwards, Foster, Gouge, Hardin, Harris, Holmes, Jarrott, Kercheval, Logan, Lyons, Marshall, Maus, McCutchen, McWilliams, Menard, Murphy of Vermilion, Naper, Pace, Phillips, Roberts, Roman, Simms, Webb, Williamson, and Zimmerman—31.

Senate bills of the following titles were severally read the third time and passed, to wit:

"An act to amend an act entitled an act to amend the several acts in relation to common schools, approved, March 4, 1837;"

"An act to revive and continue in force an act entitled an act to locate a certain State road therein mentioned, approved, February 27, 1839;"

"An act to amend an act to incorporate the Knox Manual Labor College;"

"An act to incorporate the Rock Island University;"

"An act to authorize the county of Jo Daviess to borrow money;"

"An act to authorize certain persons therein named to keep a Ferry;"

"An act to amend an act entitled, 'an act to incorporate the Rock Island Mutual Fire Insurance Company;"

Ordered, That the titles be as aforesaid and that the Clerk inform the Senate thereof.

Engrossed bill for "An act to re-locate part of a State Road in Fayette county;" was read the third time, and referred,

On motion of Mr. Foster,

To a select committee.

Ordered, That Messrs. Foster, Hankins, and Fisk, be that committee.

Engrossed bill for "An act exempting certain articles from execution in addition to those already exempt by the laws of this State;" was read the third time.

Mr. Zimmerman moved to amend by adding the following after 60 dollars "and persons not having that amount of property it shallbe made up to said person by the County Court;"

Mr. Stapp moved to lay bill and proposed amendment on the table.

Mr. Rawalt demanded a division of the question, so as first to take the vote on laying the proposed amendment on the table; and

The question being put on laying proposed amendment on the table,

It was decided in the affirmative by ayes and nays, as follows:

Those voting in the affirmative, are,

Messrs. Able, Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Baker, Brown, Churchill, Craig, Crain, Cunningham, Daley, Dawson, Edmonson, Edwards, English, Fisk, Foster, Green of Clay, Green of Greene, Gouge, Harlan, Harris, Henderson, Henry, Holmes, Hull, Johnson, Kent, Kercheval, Kerr, Logan, Lyons, Maus, McCutchen, McMillan, Menard, Murphy of Perry, Nance, Otwell, Pace, Phillips, Rawalt, Read, Roberts, Roman, Simms, George Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Turney, Williams. Williamson, and Mr. Speaker—57.

Those who voted in the negative, are,

Messrs. Dubois, Dunn, Emmerson, Hardin, Jarrott, Marshall, McWilliams, Naper, Robert Smith, Webb, Wood, and Zimmerman—12.

Mr. Stapp withdrew the motion to lay the bill on the table.

Mr. Marshall moved to strike out $60 and insert $100; which was not agreed to.

Mr. McCutchen moved to amend the bill by striking out "horse," and inserting "work beast;" which was not agreed to.

Mr. Carpenter moved to refer the bill to a select committee which was not agreed to; when,

On motion of Mr. Carpenter,

The bill was referred to the committee on Elections.

On motion of Mr. Webb,

The engrossed bill for "An act to amend an act entitled, 'an act to amend an act for the relief of the poor, approved, Feb. 21, 1839;" was taken up for consideration, and,

On motion of Mr. Webb,

The second line of the second section of said bill was amended, by striking out the word "shall," and inserting the words "may in their discretion;" when the bill as amended passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bill for "An act for the benefit of Louisa Jones;" was read the third time and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof and ask their concurrence therein.

When on motion.

The House adjourned.

MONDAY, January 13, 1840.

House met pursuant to adjournment.

Mr. Allen of Greene presented the petition of 160 voters of Jersey county, praying for a change of the law creating said county, so as to allow them to elect one representative to the General Assembly; the reading of which was,

On motion of Mr. Allen of Greene,

Dispensed with, and referred to a select committee.

Ordered, That Messrs. Allen of Greene, Daley, and Green of Greene, be that committee.

Mr. Emmerson presented the petition of sundry citizens of Edwards county, praying for a change of a part of a State road therein named; the reading of which was,

On motion of Mr. Emmerson,

Dispensed with, and referred to the committee on State Roads.

Mr. Robert Smith presented the petition of John Hendrickson, and R. McFarland, praying for relief: which was read together with the accompanying documents; and

On motion of Mr. Robert Smith,

Was referred to the committee on Internal Improvement with instructions to report a bill.

Mr. Read presented the petition of Peter Holland others, praying for an amendment of the law relating to Judges of Elections; the reading of which was,

On motion of Mr. Read,

Dispensed with, and referred to the committee on the Judiciary.

Mr. Kent presented the remonstrance of citizens of Winnebago county, against setting off a mile strip on the East to Boone county; the reading of which was,

On motion of Mr. Kent,

Dispensed with, and referred to the committee on Counties.

Mr. Brown presented the petition of John G. McHattan; which was read, and

On motion of Mr. Brown,

Referred to the committee on Finance.

Mr. Craig presented the petition of J. Humphreys, praying for a divorce; the reading of which was,

On motion of Mr. Craig,

Dispensed with, and referred to the committee on the Judiciary.

Mr. Green of Clay presented the petition of sundry citizens of Clay county, in relation to a mill-dam across Muddy fork of the Little Wabash; the reading of which was,

On motion of Mr. Green of Clay,

Dispensed with, and referred to a select committee.

Ordered, That Messrs. Green of Clay, Hankins, and Crain be that committee.

A bill for "An act to distribute the School Fund to the several counties in this State," coming up for consideration,

Mr. Walker of Vermilion moved to amend the bill as follows, viz:

Amend Sec. 2, by striking out all after the word "hereby" in the sixth line, and insert the following, "required to notify the State Bank of Illinois of the amount due the School Fund, and the amount so due shall be paid to the Treasurer of the State, out of the stock owned by the State in said Bank, in semi-annual instalments of twenty-five per cent., and upon the receipt of each instalment, the amount so received shall be endorsed on the certificates of Stock held by the State in said Bank, until the whole be paid, when certificates of said stock to the amount so paid, shall be given up to said Bank."

Mr. Elkin moved to lay the bill and proposed amendment on the table.

Mr. Roman demanded a division of the question, so as to take the vote

first on laying the amendment on the table; and the question being taken on laying the amendment on the table,

It was agreed to.

The question was then taken on laying the bill on the table, and decided in the affirmative.

Mr. Marshall from the committee of the Judiciary, to whom was referred a bill for "An act to amend an act relative to Runaway Slaves;" reported the same back without amendment.

Mr. Marshall moved to amend the bill by striking out the last section.

Mr. George Smith moved to lay the bill and proposed amendment on the table, until the 4th day of July next; which was not agreed to.

The question was then taken on the amendment proposed by Mr. Marshall, and adopted.

. The bill was then

Ordered to be engrossed for a third reading.

Mr. Murphy from the committee on Internal Improvements to whom was referred certain resolutions; reported a bill for "An act, to abolish the Board of Public Works, and suspend all action and operation in the construction of Railroads;" which was read the first time, and

Ordered to a second reading, and,

On motion of Mr. Murphy of Perry,

The rule of the House was dispensed with, and the bill read a second time by its title.

Mr. Craig moved to amend the bill by adding at the end of the 1st section, the following, viz:

"Except on the Central Railroad, North to Peru, on the Alton and Mount Carmel Railroad, the Northern Cross Railroad, to the Illinois river, the Great Western Mail route, and on the rivers."

Mr. Walker of Vermilion moved to refer the bill to a select committee of nine.

Mr. Marshall moved to amend the bill by striking out the words "to be appointed by the Governor, by and with the advice and consent of the Senate," and inserting in lieu thereof the following, viz:

"Who shall be elected by the present General Assembly."

Mr. Henry moved to recommit the bill with instructions to the committee on Internal Improvement.

On motion of Mr. Williams,

The bill together with the amendments were referred to the committee of the Whole House, and made the special order of the day for this evening.

Mr. Robert Smith from the committee on Public Accounts and Expenditures, reported the following preamble and resolutions, viz:

Whereas, the charter of the State Bank of Illinois has been forfeited, and there is no probability of the same being resusitated.

And whereas, the withdrawal of its notes from circulation, without some currency to take their place, would tend to distress the community.

And whereas, it is the duty of the General Assembly to protect its citizens against the circulation of a foreign depreciated paper currency.

Therefore resolved, That the committee on Finance be instructed to report to this House as soon as practicable, a charter for a Bank to be called the State Bank of Illinois, to embrace the following provisions, to-wit:

1st. The capital stock to be 5,000,000 dollars, to be procured in Gold

and Silver, by the sale of the State Stock in the present Bank, and the sale of State Bonds, so fast as the same can be sold on advantageous terms, and as the wants of the State may require.

2d. The Bank to be managed by a President, Cashier, and seven Directors, to be chosen by the people, who shall hold their office for four years, and may be eligible to re-election.

3d. The President and Cashier shall have a competent salary for their services, and shall not be permitted to borrow any money from the Bank, nor be eligible to any office of honor or profit during the term for which they were elected, or for four years thereafter, and for any known violation of the charter of said Bank, or of their duty as officers of the same, it shall be deemed a criminal offence, and punished according to the laws of this State.

4th. The directors to receive a per diem allowance for each day they may be engaged in the affairs of the Bank, and they shall not be allowed to borrow from or owe the Bank at any one time more than five thousand dollars each; nor be permitted to hold the office of Senator or Representative of the General Assembly during the term of their Directorship.

5th. The parent Bank to be located at with branches at each of the places where the old Bank had a branch with such additional branches as the General Assembly may from time to time deem to be expedient for the best interest of the State.

6th. The Bank not to issue exceeding three dollars in paper, for one dollar of actual specie in its vaults.

7th. The faith of the State and the profits of the Bank to be irrevocably pledged, first for the payment of the interest due on loans effected for the Capital stock, and the final payment of the principal when due: Second the surplus profits arising from said Bank, after paying the interest as aforesaid, to be applied to the payment of the interest due by the State to the School fund, and such other objects as the General Assembly may direct.

8th. The liabilities of any individual firm, or corporation, to said Bank and Branches, shall not exceed at any time ten thousand dollars.

9th. The President, Cashier, and Directors of the Parent Bank, shall appoint a Cashier and five Directors for each of the Branch Banks, who shall hold their office for one year, subject however to removal by the President, Cashier, and Directors of the Mother Bank, or a majority of them, when ever they may deem the public good requires such removal.

10th. The Cashiers of the several branches to report monthly to the Mother Bank, a full and detached Statement of all business done at said branches during the month.

11th. The Cashier of the Mother Bank to make a full and correct statement at the end of each month of the business and concerns of the Bank, and a condensed statement of the business of its branches, which shall be carefully examined by the President and if found correct, to be by him transmitted to the Governor, who shall cause the same to be printed in the paper authorized to publish the laws of the State.

12th The Bank and Branches shall at all times redeem their notes in specie, on demand when presented at their counters.

The Parent Bank shall keep a book, and shall enter or cause to be entered therein all notes, and bills of exchange and other evidences of debt, presented for discount, the date of such notes or bills of exchange, when,

where, and to whom payable, with the name or names of the drawer, or drawers, endorser or endorsers, and whether the same was discounted or not, which said books are to be at all times subject to examination by the Governor, Commissioners, or any other person or persons appointed by the General Assembly, to examine the same.

14th. The Governor to have the power to remove the President and Cashier or any Director of the Mother Bank for improper conduct, and temporarily fill the vacancy until the assembling of the General Assembling, at which time he shall lay before them, the facts, which induced him, to make such removal, and if approved of by the General Assembly, they shall proceed by joint vote to fill such vacancy, and the person or persons elected shall hold the office until the next General Election, when the vacancy shall be filled by an election of the people, but should they not deem the reason for the removal sufficient to warrant the same, then the officer or officers shall be reinstated in their office or offices.

15th. The Bank may loan on real estate any sum not exceeding one million of dollars, at ten per cent. per annum, for any term not exceeding ten years, and it shall be their duty to loan at least five hundred thousand dollars on real estate, provided the same is applied for in sums not exceeding one thousand dollars to any individual, and good and sufficient security on unincumbered real estate, worth double the amount applied for be pledged for the payment of the same.

16th. The Bank shall be allowed to exact eight per cent. on all loans over four months and under eight months, and ten per cent. on all discounts made for a longer term than eight months.

17th. The Bank shall not issue notes of a less denomination than five dollars.

Mr. Marshall moved to lay the preamble and resolution on the table, until the fourth day of July next.

Mr. English moved to lay the preamble and resolution on the table; which was not agreed to.

The question was then taken on laying on the table until the 4th day of July next, and decided in the affirmative by yeas and nays, as follows, to wit:

Those who voted in the affirmative, are,

Messrs. Able, Alexander, Allen of Franklin, Archer, Bainbridge, Baker, Bowman, Brown, Carpenter, Craig, Crain, Cunningham, Daley, Dawson, Dubois, Dunn, Edmonson, Edwards, Elliott, Elkin, Emmerson, Ficklin, Fisk, Foster, Gilham, Green of Clay, Happy, Hardin, Harlan, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Kent, Kerr, Logan, Lincoln, Marshall, McCutchen, McMillan, Menard, Moore, Morgan, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Nance, Naper, Otwell, Pace, Phillips, Rawalt, Read, Roberts, Roman, George Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Walker of Vermilion, Webb, Williams, Williamson, and Zimmerman—67.

Those who voted in the negative, are,

Messrs. Allen of Greene, Churchill, English, Green of Greene, Hankins Huey, Kercheval, McCormick, McWilliams, Simms, Robert Smith, Turney, Walker of Fulton, Wood and Mr. Speaker—15.

A message from the Senate by Mr. Covil, their assistant Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Re-

presentatives that they have concurred with them in the passage of a bill for "An act to compensate certain witnesses."

Mr. Daley from the committee on Finance to whom was referred a bill for "An act in relation to public works;" reported the same back to the House without amendment.

Mr. Fisk moved to commit the bill to the same committee of the Whole House, to whom was referred a bill relating to the same subject; when,

On motion of Mr. Webb,

The bill was laid on the table.

Mr. Stapp from the committee on finance, reported a bill for "An act to amend an act concerning the Public Revenue, approved 26th February, 1839;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Stapp,

The rule of the House was dispensed with, and the bill read a second time by its title.

Mr. Murphy of Perry moved to lay the bill on the table; which was not agreed to.

Mr. Murphy of Vermilion moved to amend the bill by adding after the word "collecting," the following, viz: "and the amount due assessors, for their services, which the collectors are hereby authorized to pay over to them, and take their receipts for the same, which said receipts the collector shall hand over to the State Treasurer, which shall be received by him and filed, and credited to the collector as so much money."

On motion of Mr. Hardin,

The bill and amendments were referred to the committee on the Judiciary.

Mr. Allen of Greene, asked and obtained leave to introduce a bill for "An act providing for the collection of the State revenue, in the counties of Greene and Jersey;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Allen of Greene,

The rule of the House was dispensed with, and the bill read a second time by its title.

Mr. Rawalt moved to refer the bill to the committee on Finance; which was not agreed to.

On motion of Mr. Gouge,

The bill was referred to the committee on the Judiciary.

Mr. Archer to whom was referred certain petitions; reported bills of the following titles, to-wit:

"An act authorizing Thomas B. Falcott and others, to establish a Ferry across Rock river;"

"An act to revise certain acts therein named, and for other purposes."

Mr. Archer to whom was referred a certain petition, reported a bill for "An act, authorizing Jesse Blin and Stephen Mach, to establish a Ferry across the Rock and Picketonica rivers;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Archer,

The rule of the House was dispensed with, and said bill was read a second time by its title, and

Ordered to be engrossed for a third reading.

On motion,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Alexander moved that the House now resolve itself into a committee of the Whole, on the bill suspending Public Works; which was not agreed to.

Mr. Hardin moved that the House make the bill for suspending the Public Works the special order of this day for half past 6 o'clock, P. M.; which was not agreed to.

Mr. Henry moved to discharge the committee of the Whole from the further consideration of the bill for suspending Public Works; which was agreed to.

On motion of Mr. Zimmerman,

The House now proceeded to consider the orders of the day; when,

On motion of Mr. Lincoln,

The rules of the House were dispensed with, to enable him to introduce a bill for "An act, fixing the times for holding the Circuit Courts in the eighth Judicial Circuit;" which was read the first time, and

Ordered to a second reading, and

On his further motion,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Engrossed Bills of the following titles were severally read the third time, and passed, to-wit:

"An act to authorize Sherland Rose, and Andrew C. Swan to build a toll bridge across Fever river, at Galena, in the county of Jo Daviess;"

"An act to amend an act entitled "An act, concerning the road from Warsaw to Quincy, approved February 22d, 1839;"

"An act to change part of the State road leading from Griggsville to Quincy;"

"An act authorizing Ira Menard, Read Ferson, Bela T. Hunt, and Darwin Willington to build a dam across Fox river;"

"An act relating to certain records in the counties of Franklin, Williamson, Morgan, and Cass;"

"An act to amend an act to create and establish the county of Jersey;"

"An act authorizing Commissioners Courts to alter, change, and relocate State Roads;"

"An act to incorporate the towns therein named;"

"An act to legalize the assessment of taxes taken in the counties of McHenry and Stark, in the year 1839;"

"An act to amend an act concerning Justices of the Peace and Constables, approved February 3d, 1837;"

"An act to incorporate the North-Western Manufacturing Company;"

"An act supplemental to an act entitled "An act to authorize the inhabitants of Cahokia to raise a levee on the Creek Bank, opposite the town of Cahokia;"

"An act to build a bridge across the Picketonica river at Freeport, Stephenson county;"

"An act for the relief of Calvin Gold;"

"An act to amend an act entitled "An act to amend an act prescribing the mode of summoning Grand and Petit Jurors, and defining their qualifications and duties, approved February 13th, 1835;"

"An act in relation to executions;"

"An act to vacate a part of the town plat of Bennett's addition to the t wn of Petersburg;"

"An act to vacate the town plat of Washington;"

"An act in relation to the Commissioner, for the sale of the Saline Lands in Gallatin county;"

"An act to incorporate the Springfield Mechanics' Union;"

"An act to regulate the mode of proceedings on the redemption of real estate sold under execution;"

"An act to amend an act incorporating the Calhoun Coal and Mining Company;"

"An act to legalize the acts of the Commissioners of Champaign county;"

"An act to change the name of the Kaskaskia Insurance Company;"

"An act to amend an act entitled 'An act, establishing the courts of county Commissioners;"

"An act concerning attachments."

Ordered, That the titles be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the passage of the same.

Engrossed Bill for "An act concerning certain roads therein named;" was read the third time, and

On motion of Mr. Aldrich,

Laid on the table.

Engrossed Bill for "An act to revive an act therein named;" was read the third time, and

On motion of Mr. Elkin,

Laid on the table.

Engrossed Bill for "An act to locate a State road from Clayton to Worcester;" was read the third time, and

On motion of Mr. Williams,

Was amended by striking out "Worcester" and inserting "Barry;" when the bill as amended passed; and

On motion of Mr. Williams,

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed Bill for "An act amendatory of an act, concerning the public revenue, approved February 26th, 1839;" was read third time, and

On motion of Mr. Elkin,

Referred to the committee on the Judiciary.

Engrossed Bill for "An act for the relief of certain securities therein named;" was read the third time, when,

Mr. Ficklin moved to refer it to a select committee.

Mr. Johnson moved to amend the motion to refer with the following instructions:

"With instructions so to amend the bill as not to release said securities, until new security is given, also to make it apply to School Commissioners;" which was agreed to.

Mr. Stapp moved to lay the bill on the table till the 4th day of July next; and on his motion,

The yeas and nays being demanded, it was decided in the negative as follows, to wit:

Those who voted in the affirmative, are,

Messrs. Able, Aldrich, Alexander, Bainbridge, Carpenter, Cloud, Cunningham, Dubois, Dunn, Edwards, Elliott, Emmerson, Fisk, Foster, Gouge, Hankins, Hardin, Henry, Holmes, Huey, Kent, Logan, Lyons, Marshall, McMillan, Naper, Otwell, Read, Roberts, Roman, Stapp, Thomas of St. Clair, Walker of Vermilion, Wood, Zimmerman and Mr. Speaker—36.

Those voting in the negative, are,

Messrs. Allen of Franklin, Allen of Greene, Archer, Baker, Bowman, Brown, Churchill, Craig, Crain, Daley, Dawson, Elkin, English, Ficklin, Gilham, Green of Clay, Green of Greene, Harlan, Henderson, Hull, Jarrott, Johnson, Kercheval, Kerr, Lincoln, McCormick, McCutchen, McWilliams, Menard, Murphy of Vermilion, Nance, Pace, Phillips, Rawalt, Robert Smith, George Smith, Starr, Thomas of McLean, Turney, Walker of Fulton, Williams and Williamson—42.

When the motion to refer to a select committee with instructions was agreed to.

Ordered, That Messrs. Ficklin, Johnson and McCutchen be that committee.

Engrossed Bill for "An act concerning groceries;" was read a third time, when

Mr. Naper moved to strike out "twenty-five" and insert "fifteen;" which was not agreed to.

On motion of Mr. Henry,

The 3d section of the bill was amended by adding as follows:

"And the said penalty of ten dollars may be recovered by an action of debt before any Justice of the Peace in the name of the county Commissioners' Court of the county, subject to an appeal to the Circuit Court, as in other cases."

On motion of Mr. Hardin,

The blank in the first section of the bill was filled with "one hundred and fifty dollars."

Mr. Pace moved to amend by striking out all after the enacting clause, and inserting the following:

"That each and every person who shall violate any of the provisions of the act to which this is an amendment, shall forfeit and pay for each, the sum of ten dollars, to be recovered before any Justice of the Peace of the proper county, and it is hereby made the duty of the several sheriffs and constables in this State, to give information to some Justice

of the Peace of their respective counties of any violation of said act which may come to their knowledge, and for a failure for thirty days to give such information shall pay a fine of the same amount, and be recovered in the same manner as is herein provided, for a violation of the act to which this is an amendment;" which was not agreed to.

Mr. Archer moved for adoption the following as an additional section: "That if a majority of the legal voters of any town, justice's district, or of the county, shall petition the Commissioners' Court, not to grant any license to keep a grocery in said town, justice's district or county, then, and in that case, no license shall be granted."

On which proposed amendment, the yeas and nays were demanded, and the same was rejected as follows:

Those voting in the affirmative, are,

Messrs. Alexander, Archer, Bainbridge, Bowman, Brown, Carpenter, Cloud, Cunningham, Daley, Dubois, Elliott, Elkin, Emmerson, English, Green of Clay, Hankins, Harlin, Henderson, Huey, Kerr, Lyons, McCutchen, McWilliams, Murphy of Vermilion, Otwell, Pace, Roberts, Roman, George Smith, Stapp, Starr, Walker of Vermilion, and Williams —34.

Those voting in the negative, are,

Messrs. Able, Allen of Franklin, Allen of Greene, Baker, Churchill, Craig, Crain, Dawson, Dunn, Edwards, Ficklin, Fisk, Foster, Gilham, Green of Greene, Gouge, Hardin, Henry, Holmes, Hull, Jarrott, Johnson, Kercheval, Logan, Lincoln, Marshall, McCormick, McMillan, Menard, Nance, Naper, Rawalt, Read, Robert Smith, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Fulton, Williamson, Wood, Zimmerman and Mr. Speaker—42.

Mr. Hardin moved to amend the bill by adding the following to the first section:

"The trustees of incorporated towns shall have the sole power of licensing groceries in their respective towns; but the amount received for licences shall be paid into the county Treasury.

Mr. Williams moved to amend the proposed amendment by striking out the last clause, which was not agreed to.

When the proposed amendment was rejected; and the bill being upon its passage, was

Ordered to be re-engrossed.

The bill for "An act for the further prosecution of the Illinois and Michigan Canal;" was read the second time, and

On motion of Mr. Naper,

Referred to the committee on Judiciary.

The Bill for "An act providing for the payment of the expenses of laying out and re-locating county roads;" was read a second time, and

On motion of Mr. Allen of Greene,

Laid on the table.

A bill for "An act to amend an act, in relation to Garnishees;" was read the second time, and

On motion of Mr. McMillan,

Laid on the table until the 4th day of July next, by yeas and nays, as follows:

Those voting in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Archer, Baker, Bowman, Brown, Cloud, Craig, Crain, Cunningham, Daley, Dawson, Dubois, Dunn, Edwards, Elliott, Emmerson, English, Ficklin, Fisk, Foster, Gilham, Greene of Clay, Green of Greene, Gouge, Hankins, Hardin, Harlan, Henderson, Henry, Jarrott, Kent, Kerr, Logan, Lincoln, Marshall, McMillan, McWilliams, Menard, Morgan, Murphy of Vermilion, Nance, Pace, Rawalt, Read, Roberts, Stapp, Starr, Thomas of St. Clair, Thomas of McLean, Webb, Williams, Williamson, and Wood—55.

Those who voted in the negative, are,

Messrs. Able, Bainbridge, Carpenter, Churchill, Elkin, Holmes, Huey, Hull, Johnson, Kercheval, McCormick, McCutchen, Moore, Naper, Otwell, Roman, George Smith, Robert Smith, Turney, Walker of Fulton, Walker of Vermilion, Zimmerman, and Mr. Speaker—23.

On motion of Mr. Craig,

The vote on the passage of the bill for "An act to build a bridge across the Picketonica river at Freeport, Stephenson county;" was reconsidered, and on his motion,

Laid on the table.

Senate bill for "An act to authorize John A. Clark to build a bridge across the Picketonica;" was read a first time, and

Ordered to a second reading, and

On motion of Mr. Craig,

The rule of the House was dispensed with, and said bill read a third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Senate bill for "An act to limit the duration of the office of Clerks of Circuit Courts;" was read the second time; when,

Mr. Dawson moved its reference to the committee on Judiciary.

On motion of Mr. Allen of Greene,

The bill was laid on the table until the 4th day of July next.

Senate bill for "An act to amend an act to incorporate the La Salle Charity Hospital; approved February 23d, 1839;" was read a second time, and

Ordered to a third reading.

Senate bill for "An act, to repeal part of an act, regulating the interest on money;" was read the second time, and

On motion of Mr. Rawalt,

Laid on the table until the first Monday in December next.

The bill for an act to establish a State road from Petersburg in Menard county, to Waverly, in Morgan county;" was read the first time, and

Ordered, to a second reading, and

On motion of Mr. Lincoln,

The rule of the House was dispensed with, and the bill now read a second time by its title, and

On motion of Mr. Cloud,

The same was referred to a select committee.

Ordered, That Messrs. Cloud, Lincoln, and Nance be that committee.

Mr. Bowman from the select committee to whom was referred a petition, reported a bill for "An act, to authorize the joint agents of Thomas

S. Hinde and William McDowell to sell certain lands therein named;" which was read the first time, and

Ordered to a third reading; and

On his motion,

The rule of the House was dispensed with, and the bill now read a second time by its title, and

Ordered to be engrossed for a third reading.

A message from the Senate by Mr. Kellogg, their Assistant Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have received a report from the Board of Public Works, with accompanying documents, in relation to the balances due from the State to contractors upon the railroad routes in this State, &c., and that they have laid said reports on the table, and

Ordered the same to be printed for the use of the two Houses.

Mr. Hankins from the select committee to whom was referred a bill for "An act to re-locate parts of State Roads in Fayette county," reported the same back with an amendment; which was read and concurred in, and the bill was then read a third time, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Moore from the select committee to whom was referred a bill for "An act permanently to locate the seat of Justice of the county of De Kalb;" reported the same back to the House without amendment, and the bill having been read a third time, was passed.

Ordered, That the title of the bill be as aforesaid, and that the Clerk inform the Senate of its passage, and ask their concurrence therein.

Mr. McCutchen from the select committee to whom was referred a bill for "An act requiring the School Commissioners of Cook county to pay over certain money to the School Commissioners of Will, McHenry, Lake and Du Page counties, or to such other persons as shall be authorized to receive the same;" reported the same back to the House with an amendment, which was read and concurred in. The bill was then

Ordered to be engrossed for a third reading.

Mr. Moore from the select committee to whom was referred a bill for "An act making School Commissioners elective by the people," reported the same back to the House without amendment; when,

The House adjourned.

TUESDAY, JANURY 14, 1840.

House met pursuant to adjournment.

On motion of Mr. Marshall,

It was unanimously resolved by the House of Representatives, That in the death of James Copland, Esq., a Representative from the county of Johnson, and a member of this House, his constituents have been deprived of an able and indefatigable Representative, the community of a generous, high minded, and honest member, and his family of an affectionate, worthy and kind protector.

Resolved, That the members of this House, as a mark of respect and esteem for the deceased, will wear crape on their left arm for thirty days.

Resolved, That we condole with the widow of the deceased, in the loss she has sustained by the death of a kind and affectionate husband, and that copies of the foregoing resolutions be signed by the Speaker, and transmitted to her by the Clerk of this House.

Resolved, That a committee be appointed to make the necessary arrangements for the funeral and burial of the deceased.

Resolved, That as a further testimony of respect for the deceased, this House do now adjourn, and that the Clerk inform the Senate thereof.

WEDNESDAY, January 15, 1840.

The House met pursuant to adjournment.

Mr. Craig presented the petion of 64 persons relative to the location of the Central Railroad, by the town of Dixon, on Rock river; the reading of which was,

On motion of Mr. Craig,

Dispensed with, and referred to the same joint select committee to which was referred a certain resolution requiring an investigation into the official acts and doings of the Board of Public Works, &c.

On motion of Mr. Craig,

The petition of Hugh Wallace, relative to the Public Works in the 6th Judicial circuit, was taken up and referred to the same joint select committee as above stated.

Mr. McMillan presented the petition of Thos. J. Buntain: the reading of which was

On motion of Mr. McMillan,

Dispensed with, and referred to a select committee.

Ordered, That Messrs. McMillan, Simms, and Cunningham, be that committee.

Mr. Read presented a petition, the reading of which was,

On motion of Mr. Read,

Dispensed with, and referred to the committee on State Roads.

Mr. Walker of Vermilion, presented the petition of L. B. and A. B. Staughton & Co. which was read, and

On motion of Mr. Walker of Vermilion,

Was referred to a select committee.

Ordered, That Messrs. Walker of Vermilion, Elliott, and Lyons, be that committee.

Mr. Hull presented the petition of sundry citizens of Tazewell county, which was read, and

On motion of Mr. Elkin,

Was laid on the table.

Mr. Nance presented the petition in relation to Sangamon river; the reading of which was,

On motion of Mr. Nance,

Dispensed with, and referred to the committee on Salines.

Mr. Happy from the committee on Public Accounts and Expenditures, to whom was referred a Senate bill for "An act to incorporate the Union Agricultural society:" reported the same back to the House without amendment, when the bill was ordered to a third reading.

Mr. Fisk from the committee on the Judiciary, to whom was referred a Senate bill for "An act to amend an act entitled an act concerning Justices of the Peace and Constables, approved Feb. 3, 1827;" and

On motion,

Laid on the table.

Mr. Murphy of Vermilion, from the committee on Counties, reported a bill for "An act in relation to promissory notes;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Murphy of Vermilion,

The rule of the House was dispensed with, read a second time, and referred to the committee on the Judiciary.

Mr. Green of Clay, from the committee on counties, reported a bill for "An act concerning the revenue of Clay county;" which was read the first time and

Ordered to a second reading, and

On motion of Mr. Green of Clay,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Referred to the committee on Finance.

Mr. McWilliams from the committee on Education, to whom was referred a bill for "An act to incorporate the Montgomery Lyceum;" reported the same back to the House without amendment, which was read and concurred in; when the bill was

Ordered to be engrossed for a third reading.

Mr. Ficklin, from the committee on Education, to whom was referred a certain resolution, reported a bill for "An act relative to Schools and School Lands;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Marshall,

The rule of the House was dispensed with, and the bill read a second time by its title, and referred to a select committee.

Ordered, That Messrs. Marshall, Ficklin, and Able, be that committee.

Mr. Williams from the committee on finance, to whom was referred the contract for a loan of one Million of dollars made by Richard M. Young, and John Reynolds, made the following

REPORT:

The committee on Finance, to whom was referred a contract for a loan of one million of dollars, made the 30th day of October, A. D. 1839, between Richard M. Young and John Reynolds, Agents on behalf of the State of Illinois, of the one part, and John Wright, on behalf of himself and his copartners, under the firm of Wright & Co., Bankers, Henrietta street, Covent Garden, London, beg leave to report:

That they have given to this subject the careful consideration which its importance demands, and now respectfully present to the House the result of their examination.

The chief stipulations of the contracts are as follows:

1. Mr. Young has delivered to Messrs. Wright & Co., bonds to the amount of one million of dollars: the principal of which is payable in London, in the year 1870, and the interest thereon is payable annually, also in London, at the rate of six per cent. per annum.

2. Messrs. Young and Reynolds agree to procure or endeavour to procure, the State of Illinois, to issue, in lieu of the bonds already deposited with Messrs. Wright & Co., one million of State Bonds, to be substituted for the old bonds by Messrs. Wright & Co., "if and when they shall think proper so to do:" upon which new Bonds, the interest shall be payable semi-annually, on the first days of January and July in each year, at the banking house of Messrs. Wright & Co., London.

3. Messrs. Wright & Co. are authorized to sell or negotiate the said Bonds, already deposited with them, at a rate not less than ninety-one dollars, payable in London, for every hundred dollars of Bonds:—if more than 91 per cent. can be obtained for the bonds, the surplus, to the extent of 4 per cent. is to be retained by Messrs. Wright & Co., as a commission on the sale; and, if more than 95 per cent. can be had for the Bonds, the excess is to be equally divided between the State of Illinois and Messrs. Wright & Co.

4. The interest upon said bonds is to be remitted so as to be received by Messrs. Wright & Co., at least fifteen days before the day or days when said interest becomes due; and Messrs. Wright & Co. are to retain one per cent. as a commission, upon all the interest to be received and paid over by them.

The act of the General Assembly, under which the said agents proceeded, authorized them to negotiate a loan for a sum not exceeding four millions of dollars, and for a term not exceeding fifty years, and at a rate of interest, not exceeding six per cent. per annum, payable yearly; the payment of interest and re-imbursement of principal to be made at such time within or without the United States, and in such currency as might be agreed on. And it was further declared by the said act, that no bonds should be sold *for less than their par value.*

The principal point to which the attention of the committee was directed is, whether the contract is in accordance with that provision of the law, requiring the Bonds to be sold "*for not less than their par value.*"

A difficulty sometimes occurs in questions of this sort, from not ascertaining with precision the meaning of the term "par:" Mr. Gallatin, in that part of his essay on the currency and banking system of the United States, which treats of exchange, has the following passage:

"Being obliged to refer to the rate of exchange, it must be recollected, that what is universally meant by par, is the promise to pay in another place a quantity of pure silver or gold, equal in weight to the quantity of pure silver or gold, contained in the coins, with which the drawer of the bill of exchange is paid."

This definition is correct in the case to which Mr. Gallatin has applied it, to-wit: where a bill of exchange, drawn upon and payable in one place, is sold in another. But perhaps, a more complete and full explanation of the term "par," is presented in the following propositions:

1. Where a security is sold in the same place where it is made payable,

or in other words, where the money is to be received and repaid, at the same place and in the same currency—there no exchange enters into the calculation, but the nominal par is the true par. One hundred dollars must be received for every hundred dollars to be repaid, in order to constitute a par sale.

2. Where a security is sold and the money received for it in one place and the security is made payable in a different place, where the money received, either by a difference of currency, or by the price of exchange, is worth more or less than it is worth at the place where received—here the nominal par is not the true par: and the true par will either exceed or fall short of the nominal par, according to the comparative value of the currency in the two places, or the rate of exchange between them.

The case of the contract, referred to your committee, falls within the first of these propositions. The bonds are made payable, principal and interest, in London; they are authorized to be sold in London: and, according to the rule laid down above, in order to make a sale of these bonds at par, one hundred dollars should be paid in London, for every hundred dollars of the bonds sold, which are made payable in that place. And, inasmuch as only ninety-one dollars are to be received, in case of the action of Messrs. Wright & Co., under the contract, for every one hundred dollars of bonds, it follows that the sale is nine per cent. below par.

Another view of the case may be taken: It was, obviously, the intention of the Legislature, as it is the fair construction of the law, to authorize the borrowing of a sum not exceeding four millions of dollars: to bind the State for the re-payment of the amount borrowed, dollar for dollar; and to bind the State for the payment of six per cent. interest, annually, upon the actual amount of money borrowed.

Now, the State is made to borrow and receive in London ninety-one dollars—she is bound, in 1870, to re-pay in London, not ninety-one dollars, but one hundred—and, in the meantime, she is bound to pay six per cent. interest, not upon ninety-one dollars, but upon one hundred. She is bound therefore, to pay, upon a final settlement, nine dollars in every hundred, more than she receives, of the principal sum: and, in the interval, she pays six per cent. interest, annually, upon nine dollars in every hundred, which she never received.

Your committee herewith submit, as part of their report, marked exhibit A, a calculation of the amount that will be lost by a sale under this contract: from which it appears, that the excess of principal to be paid over and above what is received, by the State—the interest upon that excess—the commission of one per cent. to Messrs. Wright & Co., for receiving and paying over the interest—and the exchange upon these sums—taken together, will result in a total loss to the State of $294,300, over and above the principal and interest, which the State will receive, and have the use of under this contract.

It may be argued, that ninety-one per cent. received in London upon the State Bonds, by the addition of the exchange between that place and New York, will realize to the State, in New York, the par value of the bonds. This circumstance has not escaped the notice of your committee, and they answer.

1. That the addition of the exchange, as proposed, will not bring the sale up to par: Nine per cent. the present rate of exchange, upon ninety-

one dollars, is only eight dollars, nineteen cents: and this added to ninety-one dollars, amounts only to $99,19 in New York, for $100, payable in London; leaving the sale more than 4-5 of one per cent. below par.

2. But the apparent gain by exchange is fallacious. It must be always remembered, that the money is to be repaid in London: that if the exchange be in our favor when we bring the funds from London to New York, it will be against us when we remit them from New York to London: and that whatever is made by exchange on receiving the loan, will be lost on its re-payment. This answer will also apply to any similar gain in exchange, between New York and Illinois.

Again, it may be urged, that the rate of exchange may not continue as it now is; for it is the opinion of some, that by the year 1870, exchange will be in favor of the United States, and against London. To this no other reply is necessary, than to say, that the question whether a sale under the present contract be at par or not, is a question of fact, dependent upon circumstances, actually existing, known and ascertained: that the sale will be either at par, above, or below, according to these circumstances: and that the question cannot be affected by a contingency which may or may not happen hereafter. Such a contingency will have an influence on the future loss or profit of the transaction; but it has no bearing upon the question now under consideration, which must be decided solely with reference to the present known and certain condition of things.

Lastly, some may suggest, that Messrs. Wright & Co. may probably sell the bonds at a higher rate than ninety-one per cent., perhaps even at the nominal, and true par in London. This cannot alter the question. The law forbids a sale to be made for less than par: the contract authorizes Messrs. Wright & Co. to sell at 9 per cent. below par, or at any better price to be had: the contract is therefore in violation of the law; and whether Messrs. Wright & Co. sell at 91, or 100, or 109, the authority given him by the contract, to sell at 91, exceeds that conferred by the law upon the agents themselves.

Your committee omit to notice the unusual powers conferred upon Messrs. Wright & Co., and the extensive discretion allowed them by this contract. They conclude with the expression of their opinion, made up from a deliberate review of all the features of the case, that the contract in question does authorize a sale to be made of the State Bonds at less than their par value: and that therein it exceeds the powers granted to the agents, who entered into said contract on the part of this State, and violates the law under which they acted.

Therefore, be it resolved by the House of Representatives, the Senate concurring herein, That the said contract is unauthorized by law, and void, and that we will not ratify the same.

Resolved further, That his Excellency, the Governor, be requested to revoke the appointments of the Honorable Richard Martin Young and John Reynolds as agents to negotiate loans for Canal purposes, and that he forthwith notify Messrs. Wright & Co., of the refusal of the State to agree to said contract, and that he forbear altogether to sell any of the State Bonds deposited with him by said agents in pursuance of said contracts.

EXHIBIT *A*.

Filed with the report of the Committee on Finance, upon the contract made by the agents to negotiate a loan for Canal purposes, with Messrs. Wright and Co. London.

By the last act of Congress, establishing the value of foreign gold coins, the legal value of a British sovereign (which is a pound sterling,) of full weight, is fixed at $4,87 7-100: but, none of the sovereigns are of full weight, and their average value has been found to be, under the above law, within a very small fraction of $4,85.

Our imaginary value of pound sterling has heretofore been $4,44 44-100, or at the rate of $40 to nine pounds sterling. Nine per cent. on this imaginary value of the pound, produces $4,84 44-100, which is very near the legal value, in the United States, of a British sovereign, as above. Considering British gold coins, therefore, as the standard of value, nine per cent. on the imaginary value of $4,44 to a pound sterling may be assumed as sufficiently near the true par of exchange between the United States and England, for all practical purposes.

Suppose then one million of dollars in Illinois sterling bonds, or pounds sterling 225,000, sold in London, at 91 per cent. interest, payable yearly in London, at 6 per cent. with a commission of 1 per cent. for the payment of the interest, and the principal payable in London at the end of thirty years. Suppose the true par of exchange to be as above, and let us see the results.

We will first consider the effects, supposing it borrowed, lent out, and repaid in London; and looking to America only for any deficit that may require to be made upon the re-payment of the loan.

At the end of 30 years, we are to repay in London -	$1,000,000
We receive at present, in the same place - - -	910,000
Loss of principal in London - - - - -	$90,000
But we pay interest in London on one million of dollars, at the rate of 6 per cent. per annum, which in 30 years amounts to - - - - - - - - -	$1,800,000
We pay commissions on that sum at 1 per cent. - -	18,000
	1,818,000
We loan out in London $910,000 at 6 per cent. which in 30 years, will amount to - - - - - -	1,638,000
Loss of interest in London - - - - - -	$180,000
The loss of principal in the London market, then is -	$ 90,000
Making the total loss of principal and interest - -	$270,000
This sum must be sent from America to meet the deficit, and must be bought at a premium of 9 per cent. -	24,300
Making the total loss on the loan of principal, interest and exchange, in the London market.	$294,300

Let us now consider the effect of the loan, supposing the money to be borrowed in London, brought to New York, exchanged for American funds, there loaned out, and at the end of 30 years, re-converted into English funds, carried back to London, and there repaid, the interest being paid of course, annually, in London, with the one per cent. commission thereon.

We are to receive in London		$910,000
Add 9 per cent. exchange in New York		81,900
Making the amount received in New York		991,900
This amount being loaned at 6 per cent. in New York, will realize in interest in 30 years		1,785,420
Making the whole amount of principal and interest received in New York		$2,777,320
We have to pay in London at the end of thirty years		$1,000,000
We have to pay 30 years' interest upon this sum, amounting to	$1,800,000	
Add 1 per cent. commission	18,000	
		1,818,000
Making the whole of principal and interest to be paid		$2,818,000
This sum must be re-converted into English funds, and transmitted to London, at 9 per cent. exchange		253,620
Amounting in the whole, principal, interest, and exchange when remitted from New York, to London		3,071,620
Deduct from this, the principal and interest received in New York		2,777,320
And the total loss is, as before		$294,300

It will be perceived in the foregoing calculation, that no allowance is made for the loss of time, in transmitting the interest from the United States to London: nor for any of the attendant expenses, except only the commission to John Wright & Co., for paying over the interest, to-wit: one per cent. The committee have not thought it necessary to pursue their calculations with any greater minuteness: as their object is merely to ascertain, whether the contract were made in conformity with the law, requiring sales of the bonds to be made for not less than their par value.

Mr. MURPHY, of Cook, from the minority of the Committee on Finance made the following

REPORT:

The minority of the committee on finance, to whom was referred a communication from the Hon. R. M. Young, together with a copy of a contract for the disposal of Canal Bonds, to Messrs. Wright & Co., of London, beg leave to report:

Your committee are instructed to inquire whether the sale or disposal of said bonds, as per contract above referred to them, is at par value and according to the provisions of the law. The minority in examining this subject, are constrained to dissent from the views of a majority of the committee, and they submit, therefore, this report, together with the accompanying resolution for the consideration of the House. It appears from the terms of the contract, that R. M. Young deposited Canal Bonds to the amount of one million of dollars, with Wright & Co., of London, and that said Wright & Co., stipulate to pay 91 pounds sterling, in London, for every 100 pound bonds thus deposited. This rate of 91 for every hundred is by the terms of the contract made the minimum; for whatever variations may take place in the exchanges between the two countries, it is stipulated to secure 91 per cent. If the exchange be above 9 per cent. when drawn, the State is to have the benefit of the difference. In addition to this, should they be able to dispose of the bonds for more than 95 per cent. the State is entitled to one-half the excess—Wright & Co., reserving one per cent. as a commission upon every payment of interest. Such are the terms of the contract as far as they are material to the present inquiry.

It is here worthy of remark, that the whole contract is based upon the act of the 23d of February, 1839, authorizing a loan for Canal purposes, which act is embodied in the contract, and that said Wright & Co. stipulated that said loan "*shall be made in all respects upon the terms and conditions, and under the limitations and restrictions prescribed in the said act;*" and one of these limitations is that the bonds shall not be sold below their par value. It appears further that Wright & Co. are authorized by the contract "*to effect the sale of said bonds at any price that can be reasonably obtained for the same, not being less than par, estimated either according to the then course of exchange between London and the State of Illinois, or between London and the city of New York.*" From these terms it is plain that the par value in the estimation of the contracting parties means no more than that we shall receive in the city of New York, a sum of money equal in amount to the bond delivered in London, and this it is believed is the standard among financiers in every country. If this be correct, one branch of the inquiry is answered; but in order more fully to elucidate the subject, the following data, taken from official sources, are submitted.

1st. That the American Eagle of the new coinage, contains 232 grains of pure gold.

2d. That the British sovereign, which is their standard, contains 113 grains, and 18.1214 parts of a grain of pure gold, which is worth accor-

ding to our mint valuation, $4, 87 7-120, but passes in every kind of business for $4,87½.

3d. That the prices current $4,44 4 is assumed as the par of exchange on England—that is, it is equivalent to the British sovereign.

4th. Since the passage of the act of 1834, for reforming the American gold coinage and fixing its real value, the true par of exchange with England, estimating gold against gold, is above the nominal par, by 9 7-10 per cent.

To apply these data to the contract, the following calculations are submitted, premising that the true par is adopted, as contradistinguished from the fluctuating rate of exchange:

For £100 bond we receive in New York 91 pound sterling.

£91 sterling is equal at $4 87½ to	$443 62½
Value of £100 at 4*s* 6*d* per dollar,	444 44.4
Received - . -	443 62 5

This makes but about - - 81 cents below par on a bond of $444 44.

But add to the sum received in New York, the difference of exchange between that city and Illinois, and we get the value of this bond here—

	$443 62½
Exchange, 3 per cent.	13 30
	456 92½
	444 44
	$12 48 above par here.

One million of bonds drawn for at the same rates, will make $28,082 above par in Illinois, and the whole sum received will be $1,028,082.

At the present time, exchange between Illinois and New York, is much above 3 per cent. even to 9 or 10. Were a calculation made at this rate it would increase the above amount in the same proportion, but it would not be safe to calculate on a continuance of such a great inequality longer than the present derangements in our monetary concerns shall exist. The resumption of specie payments by the banks establishing public confidence and financial tranquillity, will restore the equilibrium of exchanges to their former standard, and it is believed that 3 per cent. is a fair estimate of what may be expected to be an average rate, considering the various revulsions to which we are exposed, from the multiplicity of banks, and their operations on the various business transactions of community. In estimating the policy of creating a debt of such amount, due regard should be had to the probable condition of the State, and the whole Union, at the time of re-imbursement. Should our progress in wealth, population and enterprize, for the next thirty years, be commensurate with the past, it will present an aspect very different from that which now darkens our horizon. Imagination can hardly pourtray the vast changes which that period will effect in our condition. Our State is unsurpassed in fertility, and the facilities for developing its yet dormant resources are unequalled. With a climate genial in the extreme, and all the advantages to be deriv-

ed from the vast chains of navigable waters which encircle our borders and intersect the interior, requiring but a moderate co-operation on our part, to make it the greatest granary for bread-stuffs, and for manufactured productions of various kinds, in the whole Union. When we consider, then, the vast amount of our mineral and agricultural resources, and the population at that period, the question of making a loan to prosecute works of acknowledged importance, will be regarded in a different light from what it assumes at present. Hitherto the balance of trade, with every part of the Union, has been against us. Our lands have remained unimproved for want of markets and channels of communication, and we supported our progressive growth and importance only by emigration. May we not reasonably anticipate that in thirty years our State, as well as the whole Union, will be great exporters to the markets of the world; that instead of having the balance of trade against us, as has been the case hitherto, heavy balances of specie will be due to us in foreign countries, which may be appropriated to pay interest and principal on our loans, without the losses arising from exchanges. That such will be the case, no man can doubt, who duly estimates our resources and energies. A judicious system of improvements, therefore, calculated to afford facilities to the agriculturalist, to realize the value of his products, will give an impetus to production, stimulate enterprize, and extract latent wealth from our vast and uncultivated territory.

But it is objected that the principal and interest on this loan being made payable in Europe, great loss to the State will be incurred; and that the sale of the bonds is not at their par value. In regard to the policy of the loan, the foregoing observations are submitted, although collateral to the inquiry contained in the resolution. The following calculations will show the amount of loss sustained, estimating exchanges at the true par:

Semi-annual interest on $1,000,000 at 6 per cent. - -		30,000
Exchange at 9 7-10 per cent. - - - -	2,910	
Exchange for 30 years - - - -	174,600	
Exchange on $1,000,000 when paid - -	97,000	
Amount of interest for 30 years - - - -	1,800,000	
Commission on interest at 1 per cent. - - -	18,000	
Amount for 30 years - - - - -	$2,089,600	
Amount each year - - - - -	$69,653	

This is the amount on $1,028,082. The rate per cent. for interest, exchanges and commission, is in the same proportion, about 6 7-10.

It follows therefore, that notwithstanding the large loss to the State in the above aggregate, yet, it amounts to but a fraction above the legal rate of interest annually. To any person conversant with the state of the money market of Europe, and the vast amount of American stocks offered for sale, it will appear plain that this negotiation is as favorable as could reasonably be expected. The rate of interest in England for the past year has been as high as 7 per cent. and sometimes 10 for short periods. Under such circumstances of depression and financial embarrassment, it

was hardly to be expected that our bonds could be sold unless at a ruinous sacrifice.

The sale of Canal bonds on terms so favorable must be considered at the present time as an evidence of the high estimation in which our State credit and honor are regarded abroad; but especially the security afforded by that stupendous work the Illinois, and Michigan Canal. The prosecution of that work, to its completion without intermission is of vital importance to this State, and its suspension or abandonment would involve us in damages and indemnities to contractors to a vast amount. It is evident that in order to procure funds for the prosecution of that, and other public works, we must conform to the state of the money markets of the world, in the sale of our securities; and it is equally evident that the suspension of a work of such magnitude and importance, and in such a state of forwardness as the Canal, would be productive of infinitely greater losses and evils than the trifling addition of a fraction to the legal rate of interest on loans for its prosecution.

Therefore,

Resolved by the House of Representatives, the Senate concurring therein, That it is expedient and necessary for the best interests of the State to ratify the negotiation for the sale of Canal Bonds made by the Hon. R. M. Young with Wright & Co., of London.

Mr. Naper moved to lay both reports on the table, and print one hundred and fifty copies thereof, together, for the use of both Houses.

Mr. Marshall moved to print one thousand copies; which was not agreed to.

Mr. McCutchen moved to print three thousand copies; which was not agreed to.

Mr. Maus moved the printing of four hundred and fifty copies; which was not agreed to.

The question was then taken on laying on the table and printing one hundred and fifty copies and agreed to.

Mr. Crain from the committee on Engrossed Bills, reported as correctly Engrossed, Bills of the following titles, viz:

"An act to amend the act entitled an act to provide for securing to Mechanics and others, liens for the value of labour and materials;"

"An act to locate a State road in the county of Washington;"

"An act in relation to the assessment of taxes in Pope county;"

"An act to legalize the acts of certain officers in Henry county, and for other purposes;"

"An act requiring Pedlars to procure license."

Mr. Murphy of Perry from the committee on Internal Improvements reported a bill for "An act to to legalize the valuation of certain lots in Lockport and for other purposes;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Murphy of Perry,

The rule of the House was dispensed with, and the bill read a second time by its title, and.

On motion of Mr. Murphy of Vermilion,

Was referred to the committee on the Judiciary.

Mr. Archer from the committee on State Roads, reported a bill for "An

act authorising Thomas B. Talcott and others to establish a Ferry across Rock river; which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Craig,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Archer from the committee on State Roads to whom was referred a certain petition, reported a bill for "An act to revive certain acts therein named and for other purposes;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Kent,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Webb from the committee on the Judiciary, to whom was referred a Senate bill for "An act to amend an act concerning attachments;" approved Feb. 12, 1833, reported the same back to the House without amendment; when the bill was

Ordered to a second reading.

Mr. Webb from the committee on the Judiciary, to whom was referred a bill for "An act to incorporate the Alton Foundry, Steam Engine and Machine Manufacturing Company," reported the same back to the House with an amendment; which amendment was read and concurred in.

The bill was then

Ordered to be engrossed for a third reading.

Mr. Webb from the committee on the Judiciary, reported a bill for "An act to incorporate the Illinois and St. Louis Bridge Company;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Roman,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Referred to a select committee.

Ordered, That Messrs. Roman, Robert Smith, and Jarrott, be that committee.

Mr. Carpenter from the committee on Elections, to whom was referred a bill for "An act exempting certain articles from execution in addition to those already exempted by the laws of the State," reported the same back to the House with an amendment; which amendment was read and concurred in.

The question was then taken on the passage of the bill and decided in the affirmative by yeas and nays as follows, viz:

Those voting in the affirmative, are,

Messrs. Able, Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Baker, Brown, Carpenter, Churchill, Cloud, Craig, Crain, Daley, Dawson, Edmonson, Edwards, Elliott, Elkin, English, Ficklin, Fisk, Foster, Gilham, Green of Clay, Green of Greene, Hankins, Harris, Henderson, Henry, Huey, Hull, Kercheval, Kerr, Logan, Maus, McCormick, McCutchen, McMillan, McWilliams, Menard, Murphy of Perry,

Murphy of Vermilion, Nance, Rawalt, Roberts, Read, Roman, George Smith, Robert Smith, Starr, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Fulton, Walker of Vermilion, Williams, Williamson, and Mr. Speaker—60.

Those who voted in the negative, are,

Messrs. Bowman, Cunningham, Dubois, Dunn, Emmerson, Gouge, Harlan, Holmes, Jarrott, Johnson, Kent, Marshall, Morgan, Naper, Otwell, Pace, Phillips, Simms, Stapp, Webb, Wood, and Zimmerman—22.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Johnson from the committee on Education, reported a bill for "An act concerning the Public Revenue in the county of Bond, and for other purposes;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Johnson,

The rule of the House was dispensed with, and the bill read a second time by its title, and

On motion of Mr. Webb,

Was referred to the committee on the Judiciary.

Mr. Baker from the committee on the Judiciary, reported a bill for "An act legalizing the survey and town plat of the town of Mount Auburn, in the county of Dane;" which was read the first time, and

Ordered to a second reading, and

On Motion of Mr. Baker,

The rule of the House was dispensed with, and the bill read the second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Kent from the committee on Education, to whom was referred a bill for "An act supplemental to an act incorporating the Seminaries of learning therein named," reported the same back to the House with an amendment; which was read and concurred in. The bill was then

Ordered to be engrossed for a third reading.

Mr. Hardin from the committee on Canal and Canal Lands, reported a bill for "An act regulating the fees of Jurors and witnesses;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Menard,

The rule of the House was dispensed with, and the bill read a second time by its title, and

On motion of Mr. Harlan,

Was referred to a select committee.

Ordered, That Messrs. Harlan, Kercheval, and Murphy of Vermilion, be that committee.

Mr. Harlan from the committee on Canal and Canal Lands, reported a bill for "An act regulating the Jurisdiction of Justices of the Peace;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Murphy of Vermilion,

The rule of the House was dispensed with, and the bill read a second time by its title, and

On motion of Mr. Murphy of Vermilion,

Was referred to the committee on the Judiciary.

Mr. Harlan from the committee on Canal and Canal Lands, reported a bill for "An act to amend an act entitled an act to incorporate the Peoria Insurance Company, approved February 13, 1837;" which was read the first time, and

Ordered to a second reading; and

On motion of Mr. Harlan,

The rule of the House was dispensed with, and the bill read a second time by its title.

Mr. Churchill moved to amend the bill by adding the following as an additional section, viz:

"That the said company shall have power to construct a Railroad from the Canal in Ottawa, in LaSalle county, to St. Charles, in Kane County, with a double track.

"*Provided*, Said company shall first secure the title of the land over which said road shall pass. And that said corporation shall have power to make and adopt such suitable and appropriate rules and by-laws in relation to the building and carrying on said road, as they may deem necessary, not inconsistent with the constitutions of the United States and of this State. Said road shall be commenced in two years and completed in ten years." Which was not agreed to.

Mr. Murphy of Vermilion moved to amend the bill by striking out all of the first section after the enacting clause.

Mr. Henderson moved to refer the bill to the committee on the Judiciary.

On motion of Mr. Gouge,

The vote just taken on the amendments offered by Mr. Murphy of Vermilion, was re-considered.

The question was then taken on the motion of Mr. Henderson, to refer the bill to the committee on the Judiciary, and agreed to.

Mr. Hull from the select committee, to whom was referred a certain petition, reported a bill for "An act to vacate a part of the town of Circleville;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Hull,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Kercheval from the select committee, to whom was referred a certain petition: reported a bill for "An act declaring a strip of ground therein described to be a public street;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Kercheval,

The rule of the House was dispensed with, and the bill read a second time by its title, and

On motion of Mr. Edwards,

Was referred to the committee on the Judiciary.

A message from the Senate, by Mr. Kellog, their acting Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that they have passed a bill of the following title, viz:

"An act to establish Insurance offices in Morgan, Pike and Scott counties."

In the passage of which bill they ask the concurrence of the House of Representatives.

Mr. Gilham from the select committee, to which was referred a petition, reported a bill for "An act to authorize Wm. Smith and John Dinsmore to build a mill-dam across Big Sandy creek;" which was read the first time and

Ordered to a second reading, and

On his motion,

The rule of the House was dispensed with, and the bill now read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Nance from the select committee, to whom was referred a petition in relation to Menard county line, reported a bill for "An act to amend an act entitled an act to establish the counties of Menard, Logan, and Dane;" which was read the first time, and

Ordered to a second reading.

Mr. Read from the select committee, to which was referred the Senate bill for "An act to authorize Pope county to pay off public debt;" reported the same back to the House and recommended its rejection.

Whereupon, the House refused to have the bill read a third time.

Mr. Bowman from the committee on the Judiciary, reported a bill for "An act to incorporate the St. Clair Steam Mill Company;" which was read the first time, and

Ordered to a second reading, and

On his motion,

The rules of the House were dispensed with, and the bill now read a second time by its title, and

On motion of Mr. Roman,

Referred to a select committee.

Ordered, That Messrs. Roman, Morgan, and Thomas of St. Clair be that committee.

On motion of Mr. Elkin,

"*Resolved*, That the Governor be requested to communicate to this House any vacancies which may have happened in any office in this State, the filling of which will devolve on the present Assembly."

The resolution some days since offered by Mr. McCutchen in relation to Treasurer of the Canal Board, was considered and adopted.

The preamble and resolutions some days since offered for adoption by Mr. Zimmerman, in relation to the Judges of the Supreme Court of this State, were considered, and

On motion of Mr. Murphy of Perry,

Referred to a select committee of five, by ayes and noes, as follows:

Those voting in the affirmative, are,

Messrs. Able, Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Carpenter, Churchill, Cloud, Crain, Daley, Edmonson, English, Fisk, Foster, Green of Clay, Green of Greene, Gouge, Hankins, Harlan, Harris, Huey, Kercheval, Logan, Maus, McWilliams, Morgan, Murphy of Perry, Nance, Naper, Pace, Roman, Simms, Robert Smith, Thomas of St.

Clair, Turney, Walker of Vermilion, Williamson, Wood, Zimmerman, and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Archer, Baker, Bowman, Craig, Cunningham, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Ficklin, Gilham, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Kent, Kerr, McCormick, McCutchen, McMillan, Menard, Murphy of Vermilion, Otwell, Phillips, Rawalt, Read, Roberts, George Smith, Stapp, Starr, Thomas of McLean, Walker of Fulton, Webb, and Williams—38.

Ordered, That Messrs. Murphy of Perry, Zimmerman, Hardin, Walker of Vermilion, and Nance be that committee.

Mr. Logan offered for adoption the following preamble and resolution:

Whereas, The Governor convened the present General Assembly to reduce the present Internal Improvement system, and to examine into the solvency of our Banks, and other subjects of an urgent nature;

And whereas, we have been been upwards of five weeks in session, and none of the above objects yet accomplished;

And whereas, there appears to be a disposition prevailing in this House to break down the whole of the system at the expense and disgrace of our State; and as there also appears to be a disposition to break down our State institutions before the proof is before this House of their corrupt doings;

And whereas, it is better to die with short pains than long fevers, therefore,

Be it resolved, That we take in no more new business, after Monday the 20th inst., and that we take up the subject of the Internal Improvement system and the Banks, and have immediate action upon the same, and that we adjourn *sine die* on the third day of February, 1840.

Mr. Allen of Greene moved to lay them on the table.

Mr. Carpenter demanded a division of the question, so as to take the vote on the preamble and resolution separately; when,

On motion of Mr. Daley,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Murphy of Vermilion moved that the House now resolve itself into committee of the Whole, on the bill for an act to suspend operations on public works.

A call of the House was demanded, and proceedings under the call having continued for some time, were,

On motion of Mr. Zimmerman,

Suspended.

And the question recurring on the motion to go into committee of the Whole, the ayes and noes were demanded, and it was decided in the negative as follows:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Greene, Baker, Bowman, Churchill, Craig, Fisk, Hardin, Harlan, Henderson, Hull, Johnson, Menard, Murphy of Ver-

milion, Rawalt, George Smith, Robert Smith, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Webb, and Mr. Speaker—22.

Those who voted in the negative, are,

Messrs. Able, Alexander, Allen of Franklin, Bainbridge, Brown, Carpenter, Cunningham, Daley, Dawson. Dubois. Dunn, Edmonson, Edwards, Elliott, Elkin, Emmerson, English, Gilham, Green of Greene, Gouge, Harris, Henry, Holmes, Jarrott, Kent, Kercheval, Kerr, Logan, Lyons, Marshall, McCormick, McCutchen, McMillan, McWilliams, Morgan, Murphy of Perry, Nance, Pace, Phillips, Read, Roberts, Roman, Simms, Stapp, Thomas of McLean, Turney, Williams, Wood, and Zimmerman—49.

The House then went into consideration of the same; and the question recurring on the following amendment offered by Mr. Craig, to amend the first section of the bill by adding "except on the Central Railroad, north, to Peru, on the Alton and Mount Carmel Railroad, the Northern Cross Railroad to the Illinois river, the Great Western Mail Route and on the rivers."

Mr. Elkin moved to amend the proposed amendment by striking out the words "and on the rivers."

Mr. Stapp moved to lay all the proposed amendments on the table.

Mr. Marshall demanded a division of the question, so as to take the vote on each of the proposed amendments separately.

Mr. Zimmerman moved to amend by striking out all after the enacting clause of the bill, and inserting the following:

"That operations on all the railroads in this State shall cease, except on the Northern Cross road from the Illinois river to the East bank of the Sangamon river, and the Central Railroad, from the city of Cairo to the distance of forty-three miles North."

Mr. Stapp moved to lay the amendment on the table.

And the yeas and nays being demanded, it was decided in the affirmative, as follows:

Those voting in the affirmative, are,

Messrs. Alexander, Allen of Greene, Archer, Baker, Bowman, Brown, Carpenter, Cunningham, Daley, Dubois, Dunn, Edmonson, Elliott, Emmerson, English, Ficklin, Fisk, Foster, Gilham, Green of Clay, Green of Greene, Gouge, Hankins, Harlan, Harris, Henry, Holmes, Jarrott, Johnson, Kent, Kerchevall, Kerr, Logan, Marshall, McCutchen, McMillan, Morgan, Nance, Otwell, Phillips, Roman, Simms, George Smith, Robert Smith, Stapp, Starr, Thomas of St. Clair, Turney, Walker of Fulton, Walker of Vermilion, Webb, Williams, and Mr. Speaker—52.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Allen of Franklin, Bainbridge, Churchill, Cloud, Craig, Dawson, Edwards, Elkin, Hardin, Henderson, Hull, Lyons, McCormick, McWilliams, Menard, Murphy of Perry, Murphy of Vermilion, Rawalt, Read, Roberts, Thomas of McLean, Wood, and Zimmerman—25.

The question recurring on laying Mr. Craig's proposed amendment on the table; it was decided in the affirmative by yeas and nays as follows:

Those voting in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Archer, Baker, Bowman, Brown, Carpenter, Cloud, Cunningham, Daley, Dubois, Dunn, Edmonson, Elliott, Emmerson, English, Ficklin, Fisk, Gilham, Green of Clay, Green of

Greene, Gouge, Hankins, Hardin, Harlan, Harris, Henry, Holmes, Jarrott, Johnson, Kercheval, Kerr, Lyons, Marshall, McCutchen, McMillan, McWilliams, Menard, Morgan, Nance, Otwell, Pace, Phillips, Rawalt, Read, Roman, Simms, George Smith, Stapp, Starr, Thomas of St. Clair, Walker of Fulton, Webb and Williams—54.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Churchill, Craig, Dawson, Edwards, Elkin, Henderson, Hull, Kent, Logan, McCormick, Murphy of Perry, Murphy of Vermilion, Roberts, Robert Smith, Thomas of McLean, Turney, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—22.

When the following amendment offered by Mr. Marshall to the 2d section was agreed to:

"Who shall be elected by the present General Assembly."

Mr. Murphy of Perry, offered the following amendment to the 1st section:

"Except the Central Railroad from its commencement at Cairo, North, to the Illinois river; and that all contracts on other railroads be transferred to said Central Railroad."

Mr. Robert Smith moved to amend the bill by striking out all after the enacting clause, and inserting the following:

"That it shall be the duty of the Board of Public Works and Fund Commissioners to pay off contractors for all work done on the Public Works of this State, up to the first day of January, 1840, out of the first moneys which may come to their hands, belonging to the Internal Improvement Fund.

Sec. 2. Hereafter it shall be the duty of the Board of Public Works to prosecute to completion all contracts let by them in continuous lines from the navigable rivers, as fast as funds can be procured for the prosecution of the same, each road receiving its due proportion of the expenditure of the money received in the ratio provided in the bill for an act to establish and maintain a general system of Internal Improvements, approved February 27th, 1837.

Sec. 3. The contracts now let on the Great Western Mail Route, and Charleston and Darwin Turnpike, shall be completed on the same conditions as is provided in the second section of this act to the extent of the appropriation.

Sec. 4. The Board of Public Works shall complete all the contracts now let on the river, for which provision was made in the act to establish and maintain a general system of Internal Improvements, and an act further to amend the same, approved March 1st, 1839, by causing to be expended the just and full proportion on said contracts agreeably to the provision in the second section of this act.

Sec. 5. So much of the act to establish and maintain a general system of Internal Improvements, approved February 27th, 1837, and all acts amendatory or supplemental thereto, as requires or authorizes the construction of any other Public Work or improvement than is specified in this act, be and the same are hereby repealed."

Mr. Roman demanded a division of the question, so as first to take the vote on striking out.

Mr. Henderson moved to lay the bill and amendments on the table temporarily; when

The House adjourned until to-morrow morning, 9 o'clock.

THURSDAY, January 16, 1840.

House met pursuant to adjournment.

Mr. Lincoln presented the petition of Mrs. Sarah Martin for a divorce, which was read, and on his motion, referred to a select committee.

Ordered, That Messrs. Lincoln, Nance, and Henry be that committee.

Mr. Crain from the committee on Engrossed Bills, reported as correctly Engrossed, Bills of the following titles, to-wit:

"An act fixing the time of holding the Circuit Courts in the eighth Judicial Circuit;"

"An act to authorize Charles Read and others, to establish a Ferry across Rock river;"

"An act to authorize Scott, Clark, and associates to build a free Bridge across Fox river;"

"An act to authorize the persons therein named, to build and continue mill-dams across the Little Wabash river;"

"An act to incorporate the Hamilton Primary School;"

Mr. Stapp presented the petition and remonstrance of citizens of Henry and Mercer counties; which, on his motion, were referred without reading, to a select committee.

Ordered, That Messrs. Stapp, McCutchen, and Edmonson be that comtee.

Mr. Marshall from the committee on the Judicary, to whom was referred the petition of J. Humphrey for a divorce, reported the same back to the House, and was discharged from its further consideration.

Mr. Turney from the committee on Internal Improvements, reported a bill for "An act to authorize Samuel Leech to build a toll bridge across the Little Wabash river;" which was read the first time, and

Ordered to a second reading; and

On his motion, the rule of the House was dispensed with, and the bill now read a second time by its title, and

On motion of Mr. Emmerson,

Referred to a select committee.

Ordered, That Messrs. Emmerson, Turney, and Phillips, be that committee.

Mr. Hardin from the committee on Judiciary, to whom was referred the bill for "An act to amend the several laws in relation to appeals," reported the same back to the House with sundry amendments, which were concurred in, and the bill

Ordered to be engrossed for a third reading.

Mr. Moore from the committee on Counties, to whom was referred the bill for "An act to locate the county seat of Stark, and to extend the limits of said county," reported the same back to the House without amendment.

Mr. Stapp moved to amend the bill by striking out the fifth section.

On which motion, the yeas and nays being demanded, it was decided in the negative, as follows:

Those voting in the affirmative, are,

Messrs. Able, Alexander, Baker, Brown, Carpenter, Churchill, Daley,

Edmonson, Edwards, Elkin, English, Ficklin, Fisk, Green of Clay, Green of Greene, Happy, Harris, Henry, Kercheval, Marshall, Maus, McMillan, Menard, Moore, Pace, Simms, Robert Smith, Stapp, Thomas of McLean, Walker of Vermilion, and Williamson—31.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Bowman, Cloud, Craig, Crain, Cunningham, Dawson, Dunn, Elliott, Emmerson, Foster, Gilham, Gouge, Hankins, Hardin, Harlan, Henderson, Holmes, Hull, Jarrott, Johnson, Kent, Kerr, Lyons, McCormick, McWilliams, Morgan, Murphy of Perry, Murphy of Vermilion, Nance, Naper, Otwell, Phillips, Rawalt, Read, Roberts, George Smith, Starr, Thomas of St. Clair, Walker of Fulton, Williams, Zimmerman and Mr. Speaker—47.

Mr. Stapp moved the following as an amendment to the fifth section:

"*Provided*, That an election shall be held in said county of Henry at the usual places of holding elections on the first Monday of March next, to vote for or against a division of said county; and if it shall appear that a majority of the legal voters of said county of Henry, are in favor of the territory above described, being attached to, and hereafter forming a part of the county of Stark, it shall be considered a part of said county of Stark; but if a majority of the legal voters of said county of Henry are opposed to the division of said county, then the territory described in the foregoing part of this section shall remain and continue a part of Henry county. The election shall be conducted, notice given, and returns made in the same manner as now required by law for all special or general elections."

On which proposed amendment, the yeas and nays being demanded, it was decided in the affirmative, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Alexander, Allen of Franklin, Baker, Bowman, Brown, Carpenter, Churchill, Cunningham, Daley, Dubois, Edmonson, Edwards, English, Ficklin, Fisk, Foster, Green of Greene, Happy, Harris, Henry, Hull, Kercheval, Logan, Marshall, Maus, McCutchen, McMillan, McWilliams, Menard, Morgan, Moore, Pace, Rawalt, Simms, Robert Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Vermilion, and Williamson—42.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Greene, Archer, Bainbridge, Cloud, Craig, Crain, Dawson, Dunn, Elliott, Elkin, Emmerson, Gilham, Gouge, Hankins, Hardin, Harlan, Henderson, Holmes, Jarrott, Johnson, Kent, Kerr, Lyons, McCormick, Murphy of Perry, Murphy of Vermilion, Nance, Naper, Otwell, Phillips, Read, Roberts, George Smith, Starr, Walker of Fulton, Williams, Zimmerman, and Mr. Speaker—39.

Whereupon,

The bill was ordered to be engrossed and read a third time.

Mr. Marshall from the committee on the Judiciary, to which was referred the petition of Peter Holland and others, reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Hardin from the committee on the Judiciary, to which was referred the bill for "An act to amend an act concerning the public revenue, approved 26th February, 1839," reported the same back to the House with sundry amendments.

On motion of Mr. Hardin,

The report of the committee was amended by adding the following to the fifth section:

"If any collector shall fail to comply with any of the provisions of this act, or the act to which this is an amendment, in relation to advertising delinquent lands, he shall be liable to a penalty of one hundred dollars, to be collected as an action of debt before any justice of the peace, or in the Circuit Court of his county, in the name of the county Commissioners of the county."

Mr. McCutchen moved to re-commit the bill, with instructions to the committee on the Judiciary; which was not agreed to.

On motion of Mr. Edwards,

The report of the committee was amended by adding the following to the fifth section:

"And the said Circuit Court shall proceed as though application had been made to the first term of the Circuit Court, to give judgment as is now provided by law."

Mr. Murphy of Perry, moved to amend the report by inserting the following in lieu of the proposed amendment to first section:

"On the first Monday in August next, and every two years thereafter, an election shall be held in the several counties in this State, for the purpose of electing Assessors and Collectors, who shall be governed in all respects, as now required by law. The elections shall be held, notice given, and returns thereof made in the same manner as elections for Justices of the Peace and Constables; and in case of vacancies occurring in either of the above named offices, the county Commissioners' Court shall have power to appoint and fill vacancies, who shall hold their offices until the next election, and until their successors are elected and qualified."

Mr. Stapp moved to lay the proposed amendment on the table; which was decided in the negative by yeas and nays, as follows:

Those voting in the affirmative, are,

Messrs. Archer, Baker, Bowman, Carpenter, Dawson, Dunn, Edwards, Elkin, Gilham, Gouge, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Kent, Kerr, Lincoln, Marshall, Maus, McCutchen, McWilliams, Menard, Murphy of Vermilion, Nance, Naper, Otwell, Pace, Rawalt, Read, George Smith, Stapp, Starr, Thomas of McLean, Webb and Williams—37.

Those who voted in the negative, are,

Messrs. Able, Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Churchill, Cloud, Craig, Crain, Cunningham, Daley, Edmonson, Elliott, Emmerson, English, Ficklin, Fisk, Foster, Green of Clay, Green of Greene, Hankins, Happy, Harlan, Harris, Johnson, Kercheval, Logan, McCormick, Moore, Morgan, Murphy of Perry, Phillips, Simms, Robert Smith, Thomas of St. Clair, Turney, Walker of Fulton, Walker of Vermilion, Williamson, Wood, Zimmerman, and Mr. Speaker—43.

Whereupon,

Mr. Murphy of Perry moved to re-commit the bill with instructions; when,

The House adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Lyons,

The bill for "An act in relation to Public Works," was taken up for consideration.

Mr. Hankins moved to amend the bill by adding the following as an additional section:

"That all work on the State House in Springfield be suspended for five years, and that the Seat of Government be removed to Vandalia, together with all the offices thereunto appertaining, there to continue for and during the period of ten years. *Provided*, That the authorities of the town of Vandalia, and the county of Fayette, re-convey the public square whereon is situated the late State House to the State, and finish, and furnish the said State House for the comfortable accommodation of the Legislature."

Mr. Daley moved for adoption the following amendment: to strike out all after the enacting clause, and insert

"That an act entitled "An act to establish and maintain a system of Internal Improvements, and all other acts supplementary thereto, be and the same are hereby repealed."

Mr. Bainbridge demanded a call of the House; proceedings under which having been continued for some time, were

On motion of Mr. Walker of Fulton,

Dispensed with.

On motion of Mr. McMillan,

The amendment proposed by Mr. Hankins was laid on the table until the 4th day of July, by yeas and nays as follows:

Those voting in the affirmative, are,

Messrs. Alexander, Allen of Greene, Archer, Baker, Bowman, Brown, Churchill, Cloud, Crain, Cunningham, Daley, Dawson, Dubois, Elliott, Elkin, Emmerson, English, Gilham, Green of Greene, Hardin, Harlan, Harris, Henderson, Henry, Holmes, Houston, Hull, Jarrott, Jones, Kent, Kercheval, Kerr, Lyons, Maus, McCormick, McCutchen, McMillan, McWilliams, Moore, Morgan, Nance, Naper, Otwell, Phillips, Rawalt, Roberts, Simms, George Smith, Starr, Thomas of McLean, Thomas of St. Clair, Walker of Vermilion, Walker of Fulton, Webb and Williams—55.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Allen of Franklin, Bainbridge, Carpenter, Craig, Dunn, Edmonson, Fisk, Foster, Green of Clay, Gouge, Hankins, Happy, Huey, Johnson, Logan, Marshall, Murphy of Perry, Pace, Read, Robert Smith, Turney, Williamson, Wood, Zimmerman and Mr. Speaker—27.

Mr. Henderson offered for adoption the following amendment to the amendment, to strike out all after the word "that" and insert the following:

"From and after the passage of this act, the Board of Public Works shall confine their operations to the prosecution and completion of the following works until further provision shall be made by law, for the extension and prosecution of other works contemplated in the several acts in relation to Internal Improvements, to-wit:

The Central Railroad from Peru, South, eleven miles, and from Cairo, North, twenty miles;

The Peoria and Warsaw road from Peoria to Farmington, and from Warsaw to Carthage;

The Northern Cross Railroad from Quincy to Columbus, from Meredosia to Springfield, and from Sidney to Danville;

The Rushville and Erie Railroad, from Rushville to Erie;

The Pekin and Bloomington Railroad, from Pekin to Tremont;

The Alton and Shelbyville Railroad, from Alton to Brighton;

The Central Branch Railroad, from Charleston to Terre-Haute;

The Alton and Mount Carmel Railroad, from Alton to Edwardsville, and from Mount Carmel to Albion;

The Alton and Shawneetown Railroad, from Shawneetown to Equality;

The Great Western Mail Route, the Darwin Turnpike, from Darwin to Marshall;

The improvement of the Illinois river, Rock river, and Great Wabash river.

Sec. 2. It shall be the duty of the Board of Public Works to progress with the river improvements at all times when the stage of water will admit of such improvement, and so direct their operations as to complete and bring into use first, such portions of the several works herein provided for as will be most productive to the State.

Sec. 3. It shall be the duty of the Board to settle and adjust all claims of contractors for work done upon parts of roads not included in the first section of this act, and to adopt such measures as may be necessary to keep such work in preservation, consulting the strictest economy in all their operations.

Sec. 4. It shall be the duty of the Board to ascertain and estimate the amount of available funds for Internal Improvement purposes, and to ascertain also as early as practicable, the present liabilities of the State, and so to direct their future operations, as to reduce as speedily as possible their expenditures to the actual means of the State, and the amount to be expended by them during any one year, shall not exceed one million of dollars." Which,

On motion of Mr. Daley,

Was laid on the table; when,

On motion of Mr. Lyons,

The amendment offered by Mr. Daley, was laid on the table, by yeas and nays as follows:

Those voting in the affirmative, are,

Messrs. Able, Aldrich, Baker, Bowman, Crain, Cunningham, Dawson, Dubois, Dunn, Edmonson, Edwards, Elliott, Elkin, Emmerson, Gilham, Gouge, Hardin, Harlan, Henderson, Huey, Hull, Kent, Kercheval, Kerr, Logan, Lyons, Marshall, Maus, McCormick, McCutchen, McMillan, Moore, Morgan, Murphy of Perry, Rawalt, Roberts, George Smith, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Fulton, Webb, Williams and Zimmerman—44.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Brown, Carpenter, Churchill, Cloud, Craig, Daley, English, Fisk,

Foster, Green of Clay, Green of Greene, Hankins, Happy, Harris, Henry, Holmes, Houston, Jarrott, Johnson, Jones, McWilliams, Menard, Nance, Naper, Otwell, Pace, Phillips, Read, Simms, Robert Smith, Starr, Walker of Vermilion, Williamson, Wood, and Mr. Speaker—40.

And the question being put on ordering the bill to be engrossed for a third reading,

It was decided in the affirmative, by yeas and nays, as follows:

Those voting in the affirmative, are,

Messrs. Alexander, Allen of Greene, Baker, Brown, Carpenter, Cloud, Daley, Dawson, Dubois, Edmonson, Elliott, Emmerson, English, Fisk, Gilham, Green of Greene, Gouge, Happy, Hardin, Harlan, Harris, Henry, Holmes, Houston, Jarrott, Johnson, Jones, Kerr, Lyons, McCutchen, McMillan, McWilliams, Menard, Morgan, Nance, Otwell, Pace, Phillips, Read, Roberts, Simms, George Smith, Starr, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Webb, Williams, and Mr. Speaker—49.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Allen of Franklin, Archer, Bainbridge, Bowman, Churchill, Craig, Crain, Cunningham, Dunn, Edwards, Elkin, Foster, Green of Clay, Hankins, Henderson, Huey, Hull, Kent, Logan, Marshall, Maus, McCormick, Moore, Murphy of Perry, Naper, Rawalt, Robert Smith, Turney, Walker of Vermilion, Williamson, Wood and Zimmerman—34.

A bill for "An act to abolish the Board of Public Works, and suspend all action and operation in the construction of Railroads," coming up for consideration,

Mr. Alexander moved to lay all of the amendments on the table.

Mr. George Smith demanded a division of the question, so as first to take the vote on laying the amendment offered by Mr. Robert Smith on the table.

The question being taken on laying the amendment of Mr. Robert Smith on the table,

It was decided in the affirmative.

The question was then taken on laying the amendment of Mr. Murphy of Perry on the table,

And decided in the affirmative by yeas and nays, upon the call of Messrs. Murphy of Perry, and Bainbridge, as follows, viz:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Greene, Archer, Baker, Bowman, Brown, Carpenter, Cloud, Cunningham, Daley, Dawson, Dubois, Dunn, Edmonson, Elliott, Emmerson, English, Fisk, Gilham, Green of Clay, Green of Greene, Happy, Hardin, Harlan, Harris, Henry, Holmes, Houston, Jarrott, Jones, Kerr, Lyons, Marshall, McCutchen, McMillan, McWilliams, Menard, Nance, Otwell, Phillips, Rawalt, Read, Roberts, Simms, George Smith, Robert Smith, Starr, Turney, Walker of Fulton, Webb and Williams—51.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Allen of Franklin, Bainbridge, Churchill, Craig, Crain, Edwards, Elkin, Foster, Gouge, Hankins, Henderson, Huey, Hull, Johnson, Kent, Kercheval, Logan, Maus, McCormick, Moore, Morgan, Murphy of Perry, Naper, Pace, Thomas of McLean, Thomas of St. Clair, Walker of Vermilion, Williamson, Wood, Zimmerman, and Mr. Speaker—33.

Mr. Happy moved to amend the bill by striking out all of the first section after the enacting clause, and insert the following:

"That the act to establish and maintain a general system of Internal Improvements and all acts supplemental thereto, be and the same are hereby repealed." Also, strike out of the bill all provisions relative to the suspension of the Public Works.

Mr. Rawalt moved to amend by striking out all after the enacting clause, and insert the following:

"That the railroads provided for in an act entitled 'An act to establish and maintain a general system of Internal Improvements," be classified into five classes as follows:

1. The Northern Cross Railroad shall form one class, and be numbered;

2. The Railroad from Alton to Terre Haute and the Peoria and Warsaw Railroad shall form one class, and be numbered;

3. The Central Railroad from the Illinois river South, shall form one class, and be numbered;

4. The Central Railroad from the Illinois river, North, and the Bloomington, Peoria, and Pekin Railroad shall form one class, and be numbered.

5. The Alton, Mount Carmel and Shawneetown Railroad shall form one class, and be numbered.

Sec. 2. Both branches of the General Assembly shall meet in the Representative Hall on and proceed, first to elect one of the above named classes, which shall first be constructed; secondly, to elect another class, which shall be the second work to be constructed; and in like manner, the two branches of the General Assembly shall proceed until each class shall be elected.

Sec. 3. The several classes mentioned in the first section of this act shall be prosecuted in the order of their election.

Sec. 4. No class shall be selected without receiving a majority of all the votes given.

Sec. 5. The two Houses may adjourn from day to day until all the several classes shall be elected."

Mr. Daley moved to lay the amendment offered by Mr. Rawalt on the table; which was agreed to by yeas and nays, upon the call of Messrs. Rawalt and Starr, as follows. viz:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Greene, Archer, Bowman, Brown, Carpenter, Cunningham, Daley, Dubois, Dunn, Edmonson, Emmerson, English, Fisk, Gilham, Green of Clay, Green of Greene, Gouge, Hankins, Happy, Hardin, Harlan, Harris, Henry, Holmes, Houston, Jarrott, Johnson, Jones, Kerr, Lyons, Marshall, McCutchen, McMillan, McWilliams, Menard, Morgan, Nance, Otwell, Pace, Phillips, Simms, George Smith, Thomas of St. Clair, Turney, Walker of Fulton, Webb and Mr. Speaker—48.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Allen of Franklin, Bainbridge, Baker, Churchill, Cloud, Craig, Crain, Dawson, Edwards, Elliott, Elkin, Foster, Henderson, Huey, Hull, Kent, Kercheval, Logan, Maus, McCormick, Moore, Murphy of Perry, Naper, Rawalt, Read, Roberts, Robert Smith, Starr,

Thomas of McLean, Walker of Vermilion, Williams, Williamson, Wood, and Zimmerman—36.

Mr. Dubois moved to lay the amendment offered by Mr. Happy on the table until the 4th day of July next.

Mr. Turney moved to lay the bill and amendment on the table.

Mr. Walker of Vermilion, demanded a call of the House.

Mr. Naper moved to dispense with the further call of the House, which was not agreed to.

On motion of Mr. Baker,

Further proceeding under the call of the House were dispensed with.

Mr. Edmonson demanded a division of the question, so as first to take the vote on laying the amendment offered by Mr. Happy on the table, until the 4th day of July next.

On motion

The House adjourned.

FRIDAY, January 17, 1840.

House met pursuant to adjournment.

Mr. Craig presented the petition of R. Symmes and Wm. McKenny, the reading of which was

On motion of Mr. Craig,

Dispensed with, and referred to the committee on the Judiciary.

Mr. Huey presented the petition of sundry citizens of the town of Carlyle, in Clinton county, praying for a resurvey of said town; the reading of which was

On motion of Mr. Huey,

Dispensed with, and referred to a select committee.

Ordered, That Messrs. Huey, Crain, and Pace, be that committee.

Mr. Kercheval presented the petition of sundry citizens of McHenry, for purposes therein named; the reading of which was

On motion of Mr. Kercheval,

Dispensed with, and referred to the committee on the Judiciary.

On motion of Mr. Alexander,

The rule of the House was dispensed with, in order that reports from select committees might be received.

Mr. McMillan from the select committee, to whom was referred a certain petition, reported a bill for "An act to vacate the town plat of Jeffersonville, in the county of Edgar;" which was read the first time, and

Ordered to a second reading, and,

On motion of Mr. McMillan,

The rule of the House was dispensed with, and the bill read a second time by its title, and

On motion of Mr. Craig,

Said bill was referred to a select committee.

Ordered, That Messrs. Craig, McMillan, and Kent, be that committee.

Mr. Moore from the select committee, to whom was referred a Senate bill for "An act supplementary to an act to incorporate the town of Bloo-

mington," reported the same back to the House without amendment; when the bill was

Ordered to a third reading.

Mr. Walker of Vermilion, from the select committee, to whom was referred a certain petition, reported a bill for "An act to relieve L. B. & A. B. Staughton & Co.;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Walker of Vermilion,

The rule of the House was dispensed with, and the bill read a second time by its title.

Mr. Maus moved to amend the bill by adding after the names of L. B. & A. B. Stoughton & Co. wherever it occurs in the bill, the following, viz:

"And all other contractors who will relinquish their contracts without claims for damages."

On motion of Mr. Murphy of Vermilion,

The bill and amendments were referred to the committee on Internal Improvements, with instructions.

Mr. Cloud from the select committee, to whom was referred a bill for "An act to establish a State Road from Petersburg in Menard county, to Waverly in Morgan county," reported the same back to the House with sundry amendments; which were read and concurred in, and the bill was then

Ordered to be engrossed for a third reading.

Mr. Robert Smith from the select committee, to whom was referred a bill for "An act to abolish the Board of Fund Commissioners and Public Works, and to vacate a Board of Internal Improvements," reported the same back with an amendment; which was read.

Mr. Henderson moved to lay the bill and amendment on the table.

Mr. Bowman demanded a division of the question, so as first to take the vote on laying the amendment on the table. The question being taken on laying the amendment on the table, it was decided in the negative.

The question was then taken on laying the bill on the table, and decided in the negative by yeas and nays, as follows, viz:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Brown, Dunn, Elkin, Fisk, Foster, Henderson, Holmes, Huey, Hull, Kent, Kercheval, Logan, Lincoln, Marshall, McCormick, Moore, Murphy of Perry, Nance, Naper, Williamson, and Zimmerman—23.

Those who voted in the negative, are,

Messrs. Able, Alexander, Allen of Greene, Archer, Bainbridge, Baker, Bowman, Carpenter, Cloud, Craig, Crain, Cunningham, Daley, Dawson, Dubois, Dunn, Edmonson, Edwards, Elliott, Emmerson, English, Ficklin, Gilham, Green of Clay, Green of Greene, Hankins, Happy, Hardin, Harlan, Harris, Henry, Jarrott, Johnson, Jones, Kerr, Lyons, McCutchen, McMillan, Menard, Morgan, Murphy of Vermilion, Otwell, Pace, Phillips, Rawalt, Read, Roberts, Roman, Simms, George Smith, Robert Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Turney, Walker, of Fulton, Walker of Vermilion, Webb and Mr. Speaker—60.

Mr. Elkin moved to fill the blank in the bill with one thousand dollars.

Mr. Craig moved to fill the blank in the bill with twelve hundred dollars; which was not agreed to.

The question was then taken on filing the blank with one thousand dollars, and decided in the affirmative.

Mr. Walker of Fulton moved to amend the amendment by adding at the end of the first section the following, viz:

"The said Commissioner of Loans shall receive in full for all services an annual salary of fifteen hundred dollars;" which was not agreed to.

Mr. Daley moved to amend the bill by adding at the end of the first section as follows, viz:

"That the said commissioner shall be allowed the sum of one thousand dollars annually;" which was not agreed to.

Mr. Elkin moved to amend the amendment, by striking out the first section; which was not agreed to.

The question was then taken on concurring with the report of the committee in their amendment to the bill, and decided in the negative by yeas and nays, as follows, viz:

Those who voted in the affirmative, are,

Messrs. Able, Aldrich, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Craig, Crain, Dawson, Dunn, Edmonson, Fisk, Foster, Green of Clay, Gouge, Hankins, Harlan, Henry, Kercheval, Logan, Marshall, Moore, Murphy of Perry, Naper, Rawalt, George Smith, Robert Smith, Thomas of McLean, Turney, Walker of Fulton, Walker of Vermilion, Williamson, and Zimmerman—33.

Those who voted in the negative, are,

Messrs. Alexander, Baker, Bowman, Brown, Carpenter, Churchill, Cloud, Cunningham, Daley, Dubois, Edwards, Elliott, Elkin, Emmerson, English, Ficklin, Gilham, Green of Greene, Happy, Hardin, Harris, Henderson, Holmes, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, McWilliams, Menard, Morgan, Murphy of Vermilion, Nance, Otwell, Pace, Phillips, Read, Roberts, Roman, Simms, Stapp, Starr, Thomas of St. Clair, Webb, and Mr. Speaker—50.

The bill was then,

Ordered to be engrossed for a third reading.

Mr. Edmonson from the select committee, to whom was referred a certain petition, reported a bill for "An act to incorporate the town of Macomb;" and,

On motion of Mr. Edmonson,

The rule of the House was dispensed with, and the bill read the first time by its title, and

On his further motion,

The rule of the House was again dispensed with, and the bill was read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Marshall from the select committee, to whom was referred a bill for "An act relative to schools and school lands;" reported the same back to the House with sundry amendments.

Mr. Hardin moved to amend the bill by adding the following *proviso:*

"*Provided*, That this act shall not extend to the sixteenth sections of unsurveyed and unsold lands."

Mr. Churchill moved to amend the amendment by adding after the word "unsold," "and claimed;" which was not agreed to.

Mr. Henderson moved to amend the amendment by adding "claimed and unsurveyed."

On motion of Mr. Marshall,

The bill and the amendments were referred to the committee on the Judiciary.

Mr. Hardin from the select committee, to whom was referred a certain petition, reported the following resolutions, viz:

Resolved by the General Assembly of the State of Illinois, That M. K. Alexander, Cyrus Walker, and Elijah Iles, be, and they are hereby appointed Commissioners, who shall on the —— day of ——— next, proceed to visit the town of Exeter, in Scott county, Illinois, and examine whether a suitable location for the Penetentiary of this State can be obtained in or near said town free of cost to the State. Also, whether said town or immediate vicinity affords the requisite conveniencies and materials for the erection and carying on of said penitentiary.

Resolved, That the said commissioners make report of their proceedings herein, and of each fact as may in their opinion be calculated to give information on this subject, to the Legislature.

Mr. Naper moved to amend the report by striking out "Exeter, in Scott county," and insert "Springfield, in Sangamon county."

Mr. Craig moved to refer the report of the committee to the same select committee to which was referred the report of the Warden of the Penitentiary.

Mr. Ficklin from the select committee, to whom was referred a bill for "An act for the relief of certain securities therein named," reported the same back to the House with sundry amendments; which were read and concurred in, when the bill was

Ordered to be re-ingrossed.

Mr. Green of Clay, from the select committee, to whom was referred a certain petition, reported a bill for "An act to build a mill-dam across the Muddy fork, in Clay county, and for other purposes;" which was read the first time; and

Ordered to a second reading, and

On motion of Mr. Green of Clay,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Fisk from the select committee, to whom was referred a certain petition reported a bill for "An act to amend an act to provide for changing the venue in civil and criminal cases, approved, January 27, 1827;" which was read the first time; and

Ordered to a second reading, and

On motion of Mr. Fisk,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Referred to the committee on the Judiciary.

Mr. McCutchen to whom was referred the memorial of James W. Singleton, made the following report, viz:

The select committee to which was referred the memorial of James W. Singleton, of Brown county, preferring certain charges of official misconduct against the Honorable Peter Lot, Judge of the 5th Judicial circuit, of

the State of Illinois, have had the same under consideration and ask leave to submit the following report:

Your select committee would here state that they acknowledge the right of every citizen, who may feel himself aggrieved by the official misconduct of any public functionary of this State, to be respectfully and patiently heard by the appropriate and constituted authority, and also the right of the accused to a speedy, fair, and impartial trial, in defence of himself against charges preferred, touching his official character and conduct. But as the present session of the General Assembly, which was assembled for the consideration of special objects of great interest to the State, is far spent, the committee believe it inexpedient to devote too much of the remaining time and attention of the session from those special objects for which it was convened. The committee believe, that the interest of the State does not warrant the extension of the present session, which would be necessary, to send for witnesses, and to give a proper examination to the charges referred to their consideration. The committee therefore believe it proper to avoid any expression of opinion in relation, either to the the accuser or the accused, involved in the charges preferred, and to permit the case to rest where it now is, until their may be more time to give it that consideration which its importance demands. The committee therefore submit for adoption the following resolution:

Resolved, That the consideration and action of this House upon the charges of official misconduct, preferred by James W. Singleton, of Brown county, against the Hon. Peter Lot, Judge of the 5th Judicial circuit, of the State of Illinois, be postponed until the first Monday of December next.

Mr. Craig from the select committee, to whom was referred a bill for "An act to vacate the town plat of the town of Jeffersonville in the county of Edgar;" reported the same back to the House with an amendment, which was read and concurred in, and the bill

Ordered to be engrossed for a third reading.

Mr. Roman from the select committee, to whom was referred a bill for "An act to incorporate the St. Clair Steam Mill Company;" reported the same back to the House without amendment; whereupon the bill was

Ordered to be engrossed for a third reading.

Mr. Moore from the select committee, to whom was referred a bill for "An act making School Commissioners elective by the people;" reported the same back to the House without amendment; whereupon the bill was

Ordered to be engrossed for a third reading.

Mr. Logan's resolutions in relation to the adjournment of the Legislature, coming up for consideration, the question being the division of the question, on agreeing to the preamble, it was decided in the negative.

Mr. Rawalt moved to amend the resolution by striking out the "third of February," and inserting the "twenty-seventh of January."

On motion of Mr. Elkin,

The last clause of the resolution was stricken out: when,

On motion,

The House adjournd till 2 o'clock, P. M.

TWO O'CLOCK P. M.

House met pursuant to adjournment.

Mr. Moore from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles, to wit:

"An act to amend an act entitled 'An act to increase the corporate powers of the town of Chester;'"

"An act to authorize Benjamin W. Pope and William Gassaway to build a mill-dam;"

"An act to compensate certain witnesses."

The bill for suspending all action on Public Works coming up for consideration,

A call of the House was demanded; and proceedings under the call, having continued for some time, was,

On motion of Mr. Daley,

Dispensed with.

And the question recurring on the motion to lay the proposed amendment, offered by Mr. Happy, on the table.

It was decided in the negative, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baker, Bowman, Crain, Cunningham, Dawson, Dubois, Edwards, Elliott, Elkin, Gilham, Gouge, Hardin, Henry, Huey, Kerr, Lincoln, Lyons, Marshall, McCutchen, McMillan, Moore, Murphy of Perry, Otwell, Phillips, Roberts, George Smith, Thomas of McLean, Webb, Williams, and Zimmerman—31.

Those who voted in the negative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Brown, Carpenter, Churchill, Cloud, Craig, Daley, Dunn, Edmonson, Emmerson, English, Fisk, Foster, Green of Clay, Green of Greene, Hankins, Happy, Harlan, Harris, Henderson, Holmes, Houston, Hull, Jarrott, Johnson, Jones, Kent, Kercheval, Logan, Maus, McCormick, McWilliams, Morgan, Murphy of Vermilion, Nance, Naper, Pace, Rawalt, Read, Simms, Robert Smith, Stapp, Starr, Turney, Walker of Fulton, Walker of Vermilion, Williamson and Mr. Speaker—53.

And the question recurring on the motion of Mr. Turney, to lay the bill and proposed amendment on the table until the 4th day of July next,

It was decided in the negative by yeas and nays as follows:

Those voting in the affirmative, are,

Messrs. Able, Aldrich, Bowman, Churchill, Craig, Crain, Cunningham, Dawson, Dunn, Edwards, Elkin, Green of Clay, Huey, Kent, Logan, Lincoln, Lyons, Marshall, McMillan, Moore, Murphy of Perry, Murphy of Vermilion, Naper, Rawalt, Roberts, Turney and Williamson—27.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Baker, Brown, Carpenter, Cloud, Daley, Dubois, Edmonson, Elliott, Emmerson, English, Fisk. Foster, Gilham, Green of Greene, Gouge, Hankins, Happy, Hardin, Harlan, Harris, Henderson, Henry, Holmes, Houston, Hull, Jarrott, Johnson, Jones, Kercheval, Kerr, Maus, McCormick, McCutchen, McWilliams, Menard, Morgan, Nance, Otwell, Pace, Phillips, Read, Roman, Simms, George Smith, Robert Smith, Stapp,

Starr, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Webb, Williams, Zimmerman, and Mr. Speaker—60.

On motion of Mr. Hardin,

The bill was amended by striking out the first section after the enacting clause, and part of the second section to the word "examine" in fifth line, and inserting the following:

"It shall be the duty of the Board of Internal Improvements to".

And the question recurring on the proposed amendment offered by Mr. Happy to the first section,

It was agreed to by yeas and nays as follows:

Those voting in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Bowman, Brown, Carpenter, Churchill, Cloud, Craig, Daley, Dunn, Edmonson, Emmerson, English, Fisk, Foster, Gilham, Green of Clay, Green of Greene, Hankins, Happy, Hardin, Harlan, Harris, Henderson, Henry, Holmes, Houston, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kercheval, Logan, Maus, McWilliams, Menard, Morgan, Nance, Naper, Otwell, Pace, Phillips, Read, Roman, Simms, Robert Smith, Stapp, Starr, Thomas of St. Clair, Turney, Walker of Fulton, Walker of Vermilion, Zimmerman and Mr. Speaker—59.

Those voting in the negative, are,

Messrs. Able, Baker, Crain, Cunningham, Dawson, Dubois, Edwards, Elliott, Elkin, Gouge, Kerr, Lincoln, Lyons, Marshall, McCormick, McCutchen, McMillan, Moore, Murphy of Perry, Murphy of Vermilion, Rawalt, Roberts, George Smith, Thomas of McLean, Webb, Williams, and Williamson—27.

Mr. Logan moved to amend the bill by striking out all after the enacting clause, and inserting the following:

"All operations upon all the railroads enumerated in the act entitled 'An act, to establish and maintain a general system of Internal Improvements,' be and the same are hereby suspended, except upon one railroad only, which road so excepted shall be prosecuted to final completion."

Sec. 2. That the improvement of all the rivers enumerated in said act shall be prosecuted to final completion, together with those rivers in the several acts amendatory to the said act.

Sec. 3. That within three days from the passage of this act, the two Houses of the General Assembly shall meet in the Hall of the Representatives, and vote by ballot for the road which shall be completed according to the first section of this act, and the road receiving the highest number of votes shall be the road thus to be completed.

Sec. 4. That all those persons having contracts on the roads suspended, shall be permitted to transfer their contracts to the road thus selected, provided the said contractor and the Commissioner or Commissioners having supervision of the same can agree.

Sec. 5. The Central Railroad from the Illinois river South, shall constitute one road to be voted for.

Mr. Alexander moved to lay the proposed amendment on the table; which was agreed to by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Bowman, Brown, Carpenter, Craig, Daley, Dunn, Edmonson,

Elliott, Emmerson, English, Fisk, Gilham, Green of Greene, Gouge, Hankins, Happy, Hardin, Harlan, Harris, Henry, Holmes, Houston, Jarrott, Jones, Kent, Kerr, Lyons, McCutchen, McMillan, McWilliams, Menard, Nance, Otwell, Pace, Phillips, Rawalt, Read, Simms, George Smith, Robert Smith, Stapp, Starr, Walker of Fulton, Webb and Williams—50.

Those voting in the negative, are,

Messrs. Able, Aldrich, Baker, Churchill, Cloud, Crain, Cunningham, Dawson, Dubois, Edwards, Elkin, Foster, Green of Clay, Henderson, Huey, Hull, Johnson, Kercheval, Logan, Lincoln, Marshall, Maus, McCormick, Moore, Morgan, Murphy of Perry, Murphy of Vermilion, Naper, Roberts, Roman, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Vermilion, Williamson, Zimmerman, and Mr. Speaker—37.

Mr. Crain moved to amend the first section of the bill by adding the following:

"Except so much as relates to the Central Railroad; and it is hereby made the duty of the committee on Internal Improvements to prepare and report a bill to that effect, providing in such bill for a proper adjustment of all demands growing out of the system from its commencement up to the present time, preparatory to a just and equitable settlement between the State and contractors on the several railroads; and that they report said bill as early as possible to this House."

Mr. McMillan moved to amend Mr. Crain's proposed amendment by adding the following:

"Except one road leading East and West across the State—that to be determined by a vote of both Houses."

Mr. Turney moved to lay both the last proposed amendments on the table, which was agreed to.

Mr. Baker moved to amend the bill by adding the following:

"*Provided*, That it shall be the duty of the Governor to select one railroad or turnpike, or river, within ten days from the close of this session, and make his proclamation, announcing that he has made such selection, which railroad, turnpike or river shall not be included within the intent and meaning of any provision in this bill for repeal or suspension."

Mr. Bainbridge moved to lay the proposed amendment on the table, which was agreed to by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Bowman, Brown, Carpenter, Craig, Crain, Cunningham, Daley, Dubois, Dunn, Edmonson, Emmerson, English, Fisk, Foster, Gilham, Hankins, Happy, Hardin, Harlan, Harris, Henry, Holmes, Houston, Huey, Jarrott, Johnson, Jones, Kent, Kercheval, Kerr, Logan, Marshall, Maus, McMillan, McWilliams, Menard, Morgan, Murphy of Perry, Naper, Otwell, Pace, Phillips, Rawalt, Roberts, Simms, George Smith, Robert Smith, Starr, Turney, Walker of Fulton, Webb, Zimmerman and Mr. Speaker—61.

Those who voted in the negative, are,

Messrs. Baker, Churchill, Cloud, Dawson, Edwards, Elliott, Elkin, Green of Clay, Green of Greene, Gouge, Henderson, Hull, Lincoln, Lyons, McCormick, McCutchen, Moore, Murphy of Vermilion, Nance, Read, Roman, Stapp, Thomas of St. Clair, Thomas of McLean, Walker of Vermilion, Williams, Williamson—27.

On motion of Mr. Williams,

The third section of the bill was amended by adding after the word "work" the following:

"Or for land, timber, or other materials taken, used or destroyed in the prosecution of the public works."

Mr. Craig offered to amend the first section of the bill by adding the following:

"Except so far as it provided for the Central Railroad North to Peru, the Alton and Mount Carmel Railroad, the Northern Cross Railroad from the Wabash to the Illinois river, and on the rivers."

Mr. Alexander moved the previous question.

Mr. Baker moved to lay the call for the previous question on the table.

And the Chair deciding the motion to be in order, an appeal was taken from the decision by Mr. Baker.

And on the question being put—Shall the decision of the Chair stand as the judgment of this House?

It was decided in the affirmative; when,

Mr. Baker withdrew his motion to lay the previons question on the table.

And on the question—Shall the main question be now put?

It was decided in the affirmative.

The question recurring on agreeing to the amendment proposed by Mr. Craig,

It was decided in the negative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Bainbridge, Churchill, Craig, Crain, Dawson, Dubois, Elkin, Foster, Green of Clay, Huey, Hull, Kent, Logan, Maus, Moore, Murphy of Cook, Murphy of Perry, Naper, Read, Thomas of McLean, Turney, and Zimmerman—23.

Those who voted in the negative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Baker, Bowman, Brown, Carpenter, Cloud, Cunningham, Daley, Dunn, Edmonson, Edwards, Elliott, Emmerson, English, Fisk, Gilham, Green of Greene, Gouge, Hankins, Happy, Hardin, Harlan, Harris, Henderson, Henry, Holmes, Houston, Jarrott, Johnson, Jones, Kercheval, Kerr, Lincoln, Lyons, Marshall, McCormick, McCutchen, McMillan, McWilliams, Menard, Morgan, Murphy of Vermilion, Nance, Otwell, Pace, Phillips, Rawalt, Roberts, Roman, Simms, George Smith, Robert Smith, Stapp, Starr, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Webb, Williams, Williamson and Mr. Speaker—65.

And on ordering the bill to be engrossed for a third reading,

The yeas and nays were demanded, and it was decided in the affirmative, as follows:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Bowman, Brown, Carpenter, Cloud, Craig, Daley, Edmonson, Elliott, Emmerson, English, Fisk, Foster, Gilham, Green of Greene, Hankins, Happy, Hardin, Harlan, Harris, Henderson, Henry, Holmes, Houston, Hull, Jarrott, Johnson, Jones, Kent, Kercheval, Kerr, Maus, McCutchen, McWilliams, Menard, Morgan, Murphy of Cook, Nance, Otwell, Pace, Phillips, Read, Roman, Simms, Robert Smith,

Stapp, Starr, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Webb, Williams and Mr. Speaker—58.

Those who voted in the negative, are,

Messrs. Able, Baker, Churchill, Crain, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Green of Clay, Gouge, Huey, Logan, Lincoln, Lyons, Marshall, McCormick, McMillan, Moore, Murphy of Perry, Murphy of Vermilion, Naper, Rawalt, Roberts, George Smith, Thomas of McLean, Turney, Williamson and Zimmerman—30.

Mr. Moore from the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills, have this day laid before the council of revision, bills of the following titles, to wit:

"An act to amend an act, establishing the county of Williamson;"

"An act to amend an act entitled 'An act, to vacate the survey and plat of the town of Middleton;'"

"An act to legalize the survey and re-location of part of a State road therein named;"

"An act for the relief of Lake county;"

"An act to legalize the assessment of Taxes in the county of Du Page;"

"An act to amend an act entitled 'An act, to increase the corporate powers of the town of Chester;'"

"An act to authorize Benjamin W. Pope and William Gassaway to build a mill-dam;"

"An act to compensate certain witnesses."

Mr. Henderson moved for adoption the following resolution, viz:

Resolved by the House of Representatives, the Senate concurring herein, That the Fund Commissioners be, and they are hereby authorized and required to pay the drafts of the Commissioners, of Public Works, or any of them, upon said Fund Commissioners in State bonds, at par, if the holders of said drafts wish to take said bonds in payment thereof; which was not agreed to; when,

On motion,

The House adjourned.

SATURDAY, January 18, 1840.

The House met pursuant to adjournment.

Mr. Crain from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles, to wit:

"An act legalizing the survey and plat of the town of Mount Auburn, in the county of Dane;"

"An act supplemental to the act, incorporating the Seminaries of Learning therein named;"

"An act to authorize William Smith and John Dinsmore to build a mill-dam across Big Sandy Creek;"

"An act to incorporate the Montgomery Lyceum;"

"An act to incorporate the Alton Foundry Steam Engine and Machine Manufacturing Company,"

"An act authorizing Thomas B. Talcott and others to establish a ferry across Rock river;"

"An act in relation to public works;"

"An act concerning groceries."

The bill amendatory of an act in relation to the public revenue coming up for consideration,

The question recurring on the amendment proposed by Mr. Murphy of Perry,

Mr. Hardin moved to amend the first section of the bill by striking out the first three lines to the last word "towns" in the third line, and insert

"The county Treasurer shall act as Assessor for all the property in the county, without the limits of incorporated towns; and the county Commissioners' Court, &c."

Mr. Daley moved to lay the bill and proposed amendments on the table; which was not agreed to.

Mr. Daley demanded a call of the House, which was proceeded with for some time; and on motion, further proceedings under call was dispensed with.

On motion of Mr. Webb,

The bill was laid on the table.

Mr. Fisk from the committee on the Judiciary, to whom was referred a bill for "An act, for the further prosecution of the Illinois and Michigan Canal;" reported the same back to the House with an amendment, which was concurred in.

When a call of the House was demanded, and proceedings under which having continued for some time, was

On motion of Mr. English,

Dispensed with; when,

The question recurring on ordering the bill to be engrossed for a third reading,

It was decided in the negative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Greene, Archer, Baker, Brown, Churchill, Cloud, Craig, Daley, Edwards, Elkin, English, Fisk, Gilham, Green of Clay, Green of Greene, Harlan, Harris, Henderson, Hull, Kent, Kercheval, Kerr, Lincoln, McCutchen, McWilliams, Nance, Naper, Rawalt, Roman, Starr, Walker of Fulton, Walker of Vermilion, Williams, and Mr. Speaker—35.

Those who voted in the negative, are,

Messrs. Able, Alexander, Allen of Franklin, Bainbridge, Bowman, Carpenter, Crain, Cunningham, Dawson, Dunn, Edmonson, Elliott, Emmerson, Ficklin, Foster, Gouge, Hankins, Hardin, Henry, Holmes, Happy, Huey, Jarrott, Johnson, Jones, Logan, Marshall, Maus, McCormick, McMillan, Menard, Moore, Morgan, Murphy of Perry, Murphy of Vermilion, O well, Pace, Phillips, Read, Roberts, Simms, George Smith, Robert Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Turney, Webb, Williamson, and Zimmerman—50.

Mr. Williams from the committee on Finance, to whom was referred a petition, reported a bill for "An act for the relief of John G. McHatton," which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Brown,

The rule of the House was dispensed with, and the bill now read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Daley from the committee on Finance, to which was referred a bill for "An act for the relief of incorporated towns;" reported the same back to the House with an amendment. When,

On motion of Mr. Maus,

The bill and amendment were laid on the table.

A message from the Senate, by Mr. Bond, their Secretary.

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have passed bills of the following titles, viz:

"An act attaching a portion of Tazewell county to Logan county;" and

"An act to authorize the Auditor to enter a credit upon a judgment against Robert Davis."

In the passage of which bill, they ask the concurrence of the House.

They have also concurred with the House of Representatives in the passage of the bill for "An act to authorize and require the School Commissioners of Sangamon county, to pay over certain school funds to the School Commissioners of Menard, Logan, and Dane counties," as amended by them, in which amendments they ask the concurrence of the House of Representatives.

They have amended the title of said bill by adding the following, to wit:

"And also, the Commissioners of Schuyler county to pay over certain moneys to the Commissioner of Brown county."

In which amendment to the title of said bill, they ask the concurrence of the House of Representatives.

Mr. Hardin from the committee on the Judiciary, reported a bill for "An act in relation to the publication of Reports of the decisions of the Supreme Court of the State of Illinois;" which was read the first time, and

Ordered to a second reading; and

On his motion,

The rule of the House was dispensed with, and the bill now read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Marshall from the select committee, to which was referred the bill for "An act relative to schools and school lands," reported the same back to the House without amendment; when the same was

Ordered to be engrossed for a third reading.

On motion of Mr. Webb,

The bill for an act to amend an act concerning the public revenue, was taken up for consideration; and

Mr. Murphy of Perry withdrew the amendment offered by him on a former day, and proposed the following as a substitute for the first section of the committee's amendment:

"On the first Monday in August next, and on the first Monday in August, in each and every two years thereafter, an election shall be holden for a Collector and Assessor in each county in this State, who shall hold their offices for two years, and until their successors are elected and qualified; and all laws now in force, except so much as provides for the appointment of Collectors and Assessors, shall be construed to apply to Collectors and Assessors when elected as herein provided for. Said elections shall be conducted in the same manner as elections for members of

the General Assembly, and all contested elections shall be decided in the same manner as is now provided in case of contested elections of Justices of the Peace and Constables. And all vacancies in either of the above offices shall be filled by the county Commissioners' Court, until the next general or special election in their county; and until the first Monday in August next, Assessors and Collectors shall be appointed in the same manner as is now provided in the law to which this is an amendment."

On motion of Mr. Gouge,

The amendment proposed by Mr. Hardin was laid on the table.

Mr. Gouge moved to lay the proposed amendment offered by Mr. Murphy of Perry on the table.

Which was decided in the negative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Baker, Bowman, Dawson, Dubois, Dunn, Elkin, Gilham, Gouge, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Jones, Kent, Kerr, Lincoln, Marshall, McCormick, McCutchen, Menard, Murphy of Vermilion, Pace, Phillips, Read, Roman, Webb, and Williams—29.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Brown, Carpenter, Churchill, Cloud, Craig, Crain, Cunningham, Daley, Edmonson, Edwards, Elliott, Emmerson, English, Ficklin, Fisk, Foster, Green of Clay, Green of Greene, Hankins, Happy, Harlan, Harris, Houston, Huey, Johnson, Kercheval, Logan, Maus, McMillan, McWilliams, Moore, Morgan, Murphy of Perry, Naper, Otwell, Rawalt, Roberts, Simms, George Smith, Robert Smith, Turney, Walker of Fulton, Walker of Vermilion, Williamson, Zimmerman, and Mr. Speaker—53.

When the proposed amendment was agreed to, and

On motion of Mr. Cloud,

The bill was referred to a select committee of five.

Ordered, That Messrs. Cloud, Murphy of Perry, Craig, Dubois, and Murphy of Vermilion be that committee.

Mr. Fisk from the committee on the Judiciary, to which was referred the bill for "An act to amend an act, to provide for changing the venue in civil and criminal cases, approved January 23, 1827;" reported the same back with an amendment; which report,

On motion of Mr. Fisk,

Was amended by striking out the last words of the first section as follows:

"And an order may be granted until the pannel shall be completed."

On motion of Mr. Webb,

The second section was amended by adding the following:

"And the spring term of the Clinton Circuit Court shall continue two weeks."

Mr. Johnson moved to refer the bill to a select committee; which was not agreed to; when,

On motion of Mr. Hardin,

The bill and proposed amendment were laid on the table.

Mr. Naper from the committee on Canals and Canal Lands, reported a bill for "An act to modify an act to establish and maintain a general sys-

tem of Internal Improvements; approved February 27th, 1837;" which was read the first time, and

Ordered to a second reading, and

On his motion,

The rule of the House was dispensed with, and the bill now read a second time.

Mr. Crain moved to amend the bill by adding, after the word "roads" at the end of the ninth line from the bottom of the last section, the following:

"*Provided*, That road shall be the Central Railroad;" when,

On motion,

The House adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Elkin moved to adjourn; which was not agreed to.

Mr. Elkin moved a call of the House, proceedings under which having continued for some time, were on motion, dispensed with.

Mr. Edmonson moved an adjournment.

On which motion, the yeas and nays being demanded, it was decided in the affirmative, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Aldrich, Allen of Franklin, Allen of Greene, Bowman, Brown, Cloud, Craig, Crain, Dubois, Edmonson, Elliott, Elkin, English, Green of Greene, Happy, Hardin, Jones, Kerr, Lyons, Marshall, McCormick, Menard, Murphy of Vermilion, Phillips, Stapp, Turney, Webb and Mr. Speaker—29.

Those who voted in the negative, are,

Messrs. Alexander, Archer, Baker, Carpenter, Cunningham, Edwards, Gilham, Harlan, Harris, Henry, Holmes, Houston, Huey, Johnson, McMillan, Otwell, Pace, Rawalt, Roberts, Simms, George Smith, Robert Smith, Walker of Fulton, and Zimmerman—24.

The House adjourned.

MONDAY, JANUARY 20, 1840.

House met pursuant to adjournment.

On motion of Mr. Lincoln,

The House dispensed with reading the Journal for this morning.

On motion of Mr. Jones,

The House re-considered the vote taken on Saturday last, on ordering to a third reading the bill for "An act for the further prosecution of the Illinois and Michigan Canal;" when,

On motion of Mr. Lincoln,

The same was referred to a select committee of Five.

Ordered, That Messrs. Lincoln, Starr, Happy, Naper, and Walker of Vermilion, be that committee.

A message from the Council of Revision by Mr. Hubbard the Secretary of the Council.

Mr. Speaker: The Council of Revision have revised and approved of acts of the following titles, to wit:

"An act to legalize the assessment of taxes for the county of Du Page;"

"An act for the relief of Lake county;"

"An act to amend an act to vacate the survey and plat of the town of Middleton;"

"An act to legalize the survey and re-location of a State road therein named;"

"An act to amend an act establishing the county of Williamson, approved February 28th, 1839;"

"An act to amend an act entitled 'An act to increase the corporate powers of the town of Chester;' "

"An act to compensate certain witnesses;"

"An act to authorize Benjamin W. Pope and William Gassaway to build a mill-dam."

On motion of Mr. Marshall,

The following preamble and resolution were adopted:

Whereas, it has been represented that a certain Mr. Dormady lost by fire a considerable amount of the notes of the State Bank of Illinois;

And whereas, it is generally believed that the said Dormady did actually lose said money, the determination of his suit against the Bank to the contrary, notwithstanding;

And whereas, if he did lose the same, it is nothing but right that the Bank should be made to refund the same—

Therefore,

Be it resolved, That the committee appointed to investigate the affairs of the Bank be also instructed to examine into the fact, whether Dormady actually lost the money.

Mr. Cloud offered for adoption the following resolutions:

Resolved, That the State House Commissioners report forthwith to this House the amount of money expended on the State House; the amount paid for work actually done; the amount paid to Commissioners; the amount paid to agents, and whether there is a probability of the citizens of Springfield paying the balance due from them, for the building of said State House.

Resolved, That the committee on Finance be instructed to report a bill to this House, abolishing the present Board of State House Commissioners, and providing for the appointment of one Commissioner to superintend the completion of said State House.

On motion of Mr. Pace,

The first resolution was amended by adding the following:

"And what is the probable amount that will be necessary to complete said State House; and whether any other house or houses have been paid for out of the State House Fund; and if so, what house or houses, and the amount paid for the same; and whether said expenditure was in conformity to law."

On motion of Mr. Stapp,

The second resolution was amended by adding as follows:

"And also, that they enquire into the expediency of re-organizing the Board of Canal Commissioners, so that the Treasurer of said Board be required to perform the duties of Secretary of said Board, and for the same

consideration that is now allowed, or which may hereafter be allowed to the Treasurer of the Board of Canal Commissioners."

When the resolutions as amended, were adopted.

On motion of Mr. McCormick, it was

Resolved, That a select committee of seven be appointed to examine the books, vouchers, papers, contracts, and correspondence of the State House Commissioners, and their manner of procuring materials for the construction of the State House; and whether the construction has been conducted by employing mechanics by the day, or whether the work has been let to the lowest and best bidder; and how they have procured teams and laborers; and what price has been given to teams, and hands per day, and the number of days that each mechanic, teamster, or laborer have been employed; and what amount has been paid to each mechanic, laborer or teamster; and what amount of the appropriations have been expended; and what amount of the appropriations are yet unexpended; and whether the remaining part of the appropriations are now in the hands of the Commissioners, or whether they are now deposited in bank according to law, or whether with an individual or company, and if so, with who or whom; and also, what sums have been realized from the sale of rock, lime, sand, brick, timber, lumber, or other materials, and to whom sold, and for what reason and price; and also, whether the money obtained on each sale was credited to the State House, or the Commissioners, and whether at the time of sale or subsequently; and also, whether the Commissioners have taken contracts from citizens to construct buildings, or furnish materials to construct buildings, or any part thereof; and if so, whether such contracts have been conducted by the Commissioners or any other agent or superintendent employed in the erection of the State House, and whether such work has been done by the hands employed in erecting the State House, or any part thereof; and also, that the committee make an inventory of the materials on hand, or such part thereof, as will enable them to at least make a correct comparrison in part with the Commissioners' books, or a perfect comparison, if any reasonable evidence exists of its necessity; and also, that they be authorized to send for persons, and examine them on oath or affirmation; and that the committee report the result of such examination to this House."

Ordered, That Messrs. McCormick, Huey, Pace, Hankins, Stapp, Nance and Holmes be that committee.

Mr. McCutchen presented the petition of John Van Horn; which was read, and on his motion, refer ed to the committee on claims.

Mr. Craig presented the petition of citizens of Rock river county; which, on his motion was, without reading, referred to the same select committee, to which was referred the petition of Hugh Wallace.

Mr. English presented the petition of sundry citizens of Greene county; which, on his motion, without reading, was referred to a select committee.

Ordered, That Messrs. English, Otwell, and Brown be that committee.

Mr. Hull presented the remonstrance of sundry citizens of Tazewell county; which was read, and on his motion, laid on the table.

Mr. Crain from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles, to wit:

"An act to incorporate the town of Petersburg, Menard county;"

"An act to authorize the joint agent of Thomas S. Hinde and William McDowell, to sell certain lands therein named;"

"An act to vacate a part of the town of Circleville;"

"An act to revive certain acts therein named, and for other purposes;"

"An act to amend an act relative to runaway slaves."

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate, to inform the House of Representatives that they have passed bills of the following titles, viz:

"An act supplemental to an act entitled 'An act to incorporate the Quincy House Company, approved March 2d, 1839;'"

"An act for the appointment of an additional Notary Public in the town of Grafton, in Jersey county, and Pittsfield, in Pike county and Charlestown, in Coles county;"

"An act fixing the times of holding Courts in the sixth judicial circuit;"

"An act to amend an act entitled 'An act to prevent trespassing by cutting timber, approved February 27, 1819;'"

"An act to locate a State road therein named;"

"An act in relation to certain roads in Greene county;"

"An act requiring School Commissioners to distribute School Funds at the county seats;"

"An act to authorize the Trustees of Schools, in township eight North, range five East, to refund certain money;"

"An act to change the name of the town of Victoria, in the county of White, to that of Phillipstown;"

"An act to amend an act authorizing Samuel Witters to build a toll bridge across the Skillet Fork of the Little Wabash river;"

"An act to alter a certain State road in Fayette county;"

"An act to amend an act to provide for the Probate of Wills, in certain cases, in force March 2d, 1839;"

"An act to amend an act entitled 'An act to provide for the dedication of lots in towns situated on canal lands, to public purposes, approved February 28, 1839;'"

"An act in relation to the county of Williamson;"

"An act to amend the several laws in relation to practice in Courts of law and Chancery;"

"An act to grant pre-emption rights upon land owned by the State, and entered for Internal Improvement purposes;"

"An act providing for the binding of the Laws and Journals."

In the passage of which said several bills, they ask the concurrence of the House of Representatives.

Mr. Webb from the committee on the Judiciary, to whom was referred a bill for "An act declaring a strip of ground therein named to be a public street;" reported the same back to the House without amendment; when the bill was

Ordered to be engrossed for a second reading.

Mr. Webb from the same committee, to whom was referred a bill for "An act to regulate the mode of proceeding on the redemption of real estate sold under execution;" reported the same back to the House with an amendment.

Mr. Edwards moved to amend the report of the committee by adding the following as three additional sections, viz:

"Sec. 11. That it shall be lawful for any defendant, his heirs, executors, administrators, or grantees, whose lands shall be hereafter sold under any decree in a court of equity, for the sale of mortgaged lands, to redeem such lands in the same manner as is now allowed for the redemption of lands sold by virtue of any execution."

"Sec. 12. Judgment creditors may redeem lands sold under such decree of court in the same manner as is provided for in the redemption of lands sold under judgment."

"Sec. 13. In all cases in the foreclosure of mortgages, one year for the redemption of real estate shall be allowed by the courts."

Mr. Webb moved to lay the proposed amendment on the table, which was decided in the negative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Allen of Greene, Bowman, Craig, Daley, Dunn, Emmerson, Fisk, Gilham, Green of Greene, Hardin, Henry, Houston, Jarrott, Jones, Kerr, Marshall, McCutchen, Menard, Murphy of Vermilion, Phillips, Read, Simms, Webb, and Wood—24.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Allen of Franklin, Archer, Brown, Carpenter, Churchill, Cloud, Crain, Cunningham, Dawson, Dubois, Edmonson, Edwards, Elliott, Elkin, English, Foster, Green of Clay, Gouge, Harlan, Harris, Henderson, Holmes, Huey, Hull, Johnson, Kent, Kercheval, Logan, Lyons, Maus, McCormick, McMillan, McWilliams, Morgan, Naper, Otwell, Pace, Rawalt, Roberts, George Smith, Robert Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Fulton, Walker of Vermilion, Williamson, Zimmerman, and Mr. Speaker—53.

The question recurring on the adoption of the proposed amendment; it was decided in the affirmative by yeas and nays as follows:

Those voting in the affirmative, are,

Messrs. Able, Aldrich, Archer, Brown, Carpenter, Churchill, Cloud, Crain, Cunningham, Edmonson, Edwards, Elliott, English, Fisk, Foster, Hankins, Harlan, Harris, Henderson, Holmes, Huey, Hull, Kercheval, Lyons, Maus, McCormick, Morgan, Naper, Pace, Rawalt, Roberts, George Smith, Robert Smith, Stapp, Starr, Thomas of McLean, Turney, Walker of Vermilion, Williamson, Zimmerman and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Allen of Franklin, Allen of Greene, Bowman, Craig, Daley, Dawson, Dubois, Dunn, Elkin, Emmerson, Gilham, Green of Clay, Green of Greene; Gouge, Hardin, Henry, Houston, Jarrott, Johnson, Jones, Kent, Kerr, Logan, Marshall, McCutchen, McMillan, McWilliams, Menard, Murphy of Vermilion, Otwell, Phillips, Read, Simms, Thomas of St. Clair, Walker of Fulton, Webb, Williams and Wood—38.

Mr. Hardin moved to lay the report of the committee as amended on the table; which was not agreed to.

When the report as amended was concurred in, and the bill

Ordered to be engrossed for a third reading.

Mr. Craig from the committee on the Penitentiary, reported a bill for "An act to ascertain the North boundary line, between this State and Wisconsin Territory;" which was read the first time, and the question being on ordering it to a second reading;

It was decided in the negative by yeas and nays as follows:

Those voting in the affirmative, are,

Messrs. Able, Carpenter, Craig, Dunn, Foster, Hankins, Henderson, Huey, Kent, Read and Turney—11.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Greene, Allen of Franklin, Archer, Baker, Bowman, Brown, Churchill, Cloud, Crain, Cunningham, Daley, Dawson, Dubois, Edmonson, Edwards, Elliott, Elkin, Emmerson, English, Fisk, Gilham, Green of Clay, Green of Greene, Hardin, Harlan, Harris, Henry, Holmes, Houston, Hull, Jarrott, Johnson, Jones, Kercheval, Kerr, Logan, Lincoln, Marshall, Maus, McCormick, McCutchen, McMillan, McWilliams, Menard, Morgan, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Pace, Phillips, Rawalt, Roberts, Roman, Simms, Robert Smith, George Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Webb, Williams, Williamson, Wood, Zimmerman and Mr. Speaker—70.

A message from the Senate by Mr. Kellogg, Assistant Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have adopted the following resolution:

Resolved by the Senate, the House of Representatives concurring herein, That there shall be no new business received in either House after the 20th inst.

In the adoption of which, they ask the concurrence of the House of Representatives.

Mr. Johnson from the committee on Education, reported a bill for "An act, to amend the act entitled 'An act, to incorporate the Vandalia and Mississippi Turnpike Company;'" when,

On motion,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Crain from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles, to wit:

"An act requiring the School Commissioners of Cook county, to pay over certain money to the School Commissioners of Will, McHenry, Lake and Du Page counties, or to such other persons as shall be authorized to receive the same;"

"An act authorizing Jesse Blinn and Stephen Mack, to establish a Ferry across Rock and Picketonica rivers."

The Senate resolution in relation to receiving no new business after the 20th inst., coming up for consideration.

Mr. Hardin moved to amend said resolution by striking out "20th" and inserting "21st."

Mr. Dubois demanded a division of the question.

When "20th" was stricken out, and on inserting "21st" the yeas and nays were demanded; and it was decided in the affirmative, as follows:

Those voting in the affirmative, are,

Messrs. Able, Aldrich, Allen of Franklin, Allen of Greene, Archer, Bowman, Brown, Carpenter, Churchill, Cloud, Crain, Daley, Dawson,

Dunn, Edmonson, Edwards, Elliott, English, Ficklin, Fisk, Foster, Gilham, Green of Clay, Gouge, Hankins, Hardin, Harlan, Harris, Henry, Holmes, Houston, Huey, Jarrott, Johnson, Jones, Kent, Kercheval, Kerr, Lincoln, Lyons, Marshall, Maus, McCormick, McCutchen, McMillan, McWilliams, Menard, Moore, Morgan, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Pace, Phillips, Rawalt, Roberts, Roman, Geo. Smith, Robert Smith, Stapp, Starr, Thomas of St. Clair, Turney, Walker of Vermilion, and Mr. Speaker—66.

Those who voted in the negative, are,

Messrs. Baker, Dubois, Elkin, Emmerson, Green of Greene, Henderson, Hull, Logan, Read, Simms, Walker of Fulton, Webb, Williamson and Zimmerman—14.

Mr. Edmonson offered to amend the resolution by adding the following:

"And that both Houses of the present General Assembly will adjourn *sine die* on Monday the 27th inst."

Mr. Rawalt moved to amend the proposed amendment by striking out "on Monday the 27th inst." and inserting "the first Monday in February next."

Mr. Allen of Greene moved to lay the resolution and proposed amendments on the table; which was not agreed to.

When the question was put, on striking out "Monday the 27th inst." and inserting "the first Monday in February next;" and decided in the affirmative.

When the amendment as amended was agreed to, and the resolution as amended adopted.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence therein.

On motion of Mr. Henry,

The rule of the House was dispensed with, to enable members to introduce bills.

Mr. Henry introduced a bill for "An act to incorporate the Meredosia Hotel Company;" which was read the first time, and

Ordered to a second reading, and

On his motion,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Kercheval introduced a bill for "An act to amend an act, entitled 'An act, to repeal part of an act, to incorporate the city of Chicago;'" which was read the first time, and

Ordered to a second reading; and

On his motion,

The rule of the House was dispensed with, and said bill now read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Rawalt introduced a bill for "An act, to authorize Thomas I. Little, and Phillip M. Knapp, to enclose certain streets and alleys in the town of Canton;" which was read the first time, and

Ordered to a second reading, and

On his motion,

The rule of the House was dispensed with, and the bill now read a second time by its title, and

Ordered to be engrossed for a third reading.

A message from the Senate by Mr. Kellogg, their Assistant Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have passed a bill entitled "An act for the benefit of Stark county."

In the passage of which, they ask the concurrence of the House of Representatives.

Mr. Craig introduced a bill for "An act to incorporate the Galena Trust Company;" and

On his motion,

The rule of the House was dispensed with, and the bill read the first and second time by its title, and

Referred to the committee on Judiciary.

Mr. Robert Smith introduced a bill for "An act to amend the several acts in relation to Public roads;" which was read the first time, and

Ordered to a second reading, and

On his motion,

The rule of the House was dispensed with, and the bill now read a second time by its title; and

On motion of Mr. McCormick,

Referred to a select committee of Five.

Ordered, That Messrs. McCormick, Robert Smith, Foster, Hull and Simms be that committee.

Mr. Dawson introduced a bill for "An act to continue in force, so much of the act to establish and maintain a general system of Internal Improvements, as relates to the Northern Cross road;" and

On his motion,

The rule of the House was dispensed with, and the bill read the first and second time by its title, and

Referred to a select committee.

Ordered, That Messrs. Dawson, Wood, and Turney be that committee.

Mr. Hardin introduced a bill for "An act to amend an act, entitled 'An act, to incorporate the Colleges therein named;'" which was read the first time, and

Ordered to a second reading, and

On his motion,

The rule of the House was dispensed with, and the bill now read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Lyons introduced a bill for "An act to provide for the completion of the Northern Cross Railroad, from Sydney to Wabash river;" and

On his motion,

The rule of the House was dispensed with, and the bill now read the first and second times by its title, and

Referred to a select committee.

Ordered, That Messrs. Lyons, Elliott and McMillan be that committee.

Mr. Happy introduced a bill for "An act to regulate fees of the Clerks of the Supreme Circuit and county Commissioners' Courts;" and

On his motion,

The rule of the House was dispensed with, and the bill read the first and second time by its title, and

Referred to the committee on the Judiciary.

Mr. McMillan introduced a bill for "An act to amend an act, distributing the School Fund;" which was read the first time, and

Ordered to a second reading, and

On his motion,

The rule of the House was dispensed with, and the bill now read a second time by its title, and

Referred to the committee on Education.

Mr. Edmonson introduced a bill for "An act, appointing an agent to superintend certain improvements in Clay county;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Green of Clay,

The rule of the House was dispensed with, and the bill now read a second time by its title, and

Referred to a select committee of three.

Ordered, That Messrs. Edmonson, Green of Clay, and Archer, be that committee.

Mr. Bowman introduced a bill for "An act to provide for the completion of the work under contract on the Great Wabash river, under the compact between the States of Indiana and Illinois;" and

On his motion,

The rule of the House was dispensed with, and the bill now read a first and second time by its title, and

Referred to a select committee of three.

Ordered, That Messrs. Bowman, Phillips, and Emmerson be that committee.

Mr. Churchill introduced a bill for "An act for the relief of William S. Beach;" and

On his motion,

The rule of the House was dispensed with, and the bill now read the first and second time by its title, and

Referred to a select committee.

Ordered, That Messrs. Churchill, Henderson and Murphy of Vermilion be that committee.

Mr. Marshall introduced a bill for "An act to incorporate the Shawneetown Jockey Club Association;" and

On his motion,

The rule of the House was dispensed with, and the bill read the first and second time by its title, and

Referred to a select committee.

Ordered, That Messrs. Marshall, Lyons and Read be that committee.

Mr. Moore introduced a bill for "An act, for the relief of Livingston and De Witt counties;" which was read the first time, and

Ordered to a second reading, and

On his motion,

The rule of the House was dispensed with, and the bill now read a second time by its title, and

Referred to a select committee.

Ordered, That Messrs. Moore, Gouge and Thomas of McLean be that committee.

Mr. Stapp introduced a bill for "An act, making an appropriation for the purpose of constructing a Canal from the termination of the Illinois and Michigan Canal, to some point on the Mississippi river in Warren county;" which, on his motion, was read the first and second time by its title, and

Referred to a select committee.

Ordered, That Messrs. Stapp, Rawalt, and Starr be that committee.

Mr. Ficklin introduced a bill for "An act to enlarge the rights of the citizen;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Walker of Vermilion,

The rule of the House was dispensed with, and the bill now read a second time, and

On motion, referred to the committee on Salines.

Mr. Murphy of Vermilion, introduced a bill for "An act, to tax bachelors over thirty years of age;" which, on his motion, was read the first and second time by its title, and

Referred to the committee on Finance.

Mr. Robert Smith introduced a bill for "An act to provide for the completion of the Terre Haute, Shelbyville and Alton Railroad, and for other improvements;" and

On motion of Mr. Robert Smith,

The rule of the House was dispensed with, and the bill read a first and second time by its title, and

Referred to a select committee of Five.

Ordered, That Messrs. Robert Smith, Williamson, Simms, Zimmerman, and Kent be that committee.

Mr. Hankins introduced a bill for "An act to provide for diminishing the expenses of the State;" which was read the first time, and

Ordered to a second reading.

Mr. Craig introduced a bill for "An act to improve the navigation of the Rock river;" and

On motion of Mr. Craig,

The rule of the House was dispensed with, and the bill read a first and second time by its title, and referred to a select committee.

Ordered, That Messrs. Craig, Harlan and Kent be that committee.

Mr. Allen of Franklin introduced a bill for "An act to incorporate the Marion Institute;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Allen of Franklin,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Cloud introduced bills of the following titles, viz:

"An act for purposes hereafter to be mentioned;"

"An act to incorporate the town of Waverly;" and

The rule of the House being dispensed with, said bills were read a first and second time by their titles, and referred to a select committee.

Ordered, That Messrs. Cloud, Gilham, and Green of Greene be that committee.

Mr. Bowman introduced a bill for "An act to authorize the Board of Public Works to re-audit and settle the accounts of Edward Smith, deceased;" which was read the first time, and

Ordered to a second reading; and

On motion of Mr. Bowman,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Williams introduced a bill for "An act to provide for the assessment of damages in certain cases;" which was read the first time, and

Ordered to a second reading; and,

On motion of Mr. Williams,

The rule of the House was dispensed with, and the bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Stapp introduced a bill for "An act in relation to State roads;" which was read the first time, and

Ordered to a second reading; and

On motion of Mr. Stapp,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Referred to the committee on State roads.

Mr. Daley introduced a bill for "An act in relation to Jersey county."

The rule of the House being dispensed with, said bill was read a first and second time by its title, and

Referred to a select committee.

Ordered, That Messrs. Daley, English and Allen of Greene be that committee.

Mr. Rawalt introduced a bill for "An act to provide for the completion of the Peoria and Warsaw Railroad, from Peoria to Canton."

The rule of the House being dispensed with, said bill was read a first and second time by its title, and

Referred to the committee on Finance.

Mr. Naper introduced a bill for "An act to amend an act, in relation to the School Fund in Cook county;" which was read the first time, and

Ordered to a second reading; and

On motion of Mr. Naper,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Referred to a select committee.

Ordered, That Messrs. Naper, Kercheval, and McWilliams be that committee.

Mr. Naper introduced a bill for "An act for the relief of Stuart, Sunger and Wallace."

The rule of the House being dispensed with, said bill was read a first and second time by its title, and

Referred to the committee on Canals and Canal Lands.

Mr. Churchill introduced a bill for "An act to improve the Illinois river."

The rule of the House being dispensed with, said bill was read a first and second time by its title, and

Referred to a select committee.

Ordered, That Messrs. Churchill, Alexander, and Walker of Fulton be that committee.

Mr. Lincoln introduced a bill for "An act to amend the several acts in relation to Constables;" which was read the first time, and

Ordered to a second reading; and

On motion of Mr. Lincoln,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Referred to the committee on the Judiciary.

Mr. Maus introduced bills of the following titles, viz:

"An act to alter a State road therein named;"

"An act concerning Executions."

The rule of the House being dispensed with, said bills were read a first and second time by their titles, and

Referred to a select committee.

Ordered, That Messrs. Maus, Dubois, and Houston be that committee.

Mr. Moore introduced a bill for "An act to re-locate a part of a State road in De Witt county;" which was read the first time, and

Ordered to a second reading; and

On motion of Mr. Moore,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Crain introduced a bill for "An act to continue and keep in force, so much of the Internal Improvement system, as relates to the Central Railroad."

The rule of the House being dispensed with, said bill was read a first and second time by its title, and

Referred to a select committee.

Ordered, That Messrs. Crain, Logan and Carpenter be that committee.

Mr. Hardin introduced bills of the following titles, viz:

"An act to incorporate the town of Jacksonville;"

"An act providing for the parts of Railroads already completed."

The rule of the House being dispensed with, said bills were read a first and second time by their titles, and

Referred to the committee on the Judiciary.

Mr. Turney introduced a bill for "An act concerning the appropriations therein named."

The rule of the House being dispensed with, said bill was read a first and second time by its title, and

Referred to the committee on Internal Improvements.

Mr. Turney introduced a bill for "An act concerning the Fairfield Institute."

The rule of the House being dispensed with, said bill was read a first and second time by its title, and

Referred to a select committee.

Ordered, That Messrs. Turney, Hankins, and Able be that committee.

Mr. Churchill introduced a bill for "An act exempting certain property from execution."

The rule of the House being dispensed with, said bill was read a first and second time by its title, and

Referred to a select committee.

Ordered, That Messrs. Williams, Churchill, and Pace be that committee.

Mr. Hull introduced a bill to re-locate a part of a State road therein named;" which was read the first time, and

Ordered to a second reading; and

On motion of Mr. Hull,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Huey introduced a bill for "An act disposing of the timber and rock belonging to the State, which were intended to be used by the State in building a bridge across the Kaskaskia river at Carlyle;" which was read the first time, and

Ordered to a second reading; and

On motion of Mr. Huey,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Referred to the committee on Internal Improvements.

Mr. Dubois moved that the House adjourn; which was not agreed to.

On motion of Mr. Hardin,

Resolved, That the joint rule of the two Houses be amended by adding another rule as follows:

Rule. Whenever a report shall hereafter be made by a joint committee of the two Houses, to either House, immediately after the reading of such report, it shall be transmitted to the other House, and then read. After the report is read, or its reading dispensed with, it shall be taken by the Clerk or Secretary to the House to which the report was first made.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Menard introduced a bill for "An act to provide for the ways and means for certain purposes."

The rule of the House being dispensed with, said bill was read a first and second time by its title, and

Referred to a select committee.

Ordered, That Messrs. Menard, Jones and Morgan be that committee.

Mr. George Smith introduced a bill for "An act to allow the Internal Improvement system the benefit of Clergy."

The rule of the House being dispensed with, said bill was read a first and second time by its title, and

Referred to a select committee.

Ordered, That Messrs. George Smith, Roman, and Thomas of St. Clair be that committee.

Mr. Ficklin introduced a bill for "An act relative to Physicians;" which was read the first time, and

Ordered to a second reading; and

On motion of Mr. Ficklin,

The rule of the House was dispensed with, and the bill read a second time by its title.

Mr. Dawson moved to amend the bill by adding at the end of the first section the following, "and no Lawyer more than $5 fee."

Mr. Maus moved to refer the bill and amendments to the committee on the Salines, which was not agreed to.

Mr. Ficklin moved to refer the bill and amendment to the committee on the Judiciary.

On motion of Mr. Moore,

The bill and amendment were laid on the table.

Mr. Walker of Vermilion introduced a bill for "An act, authorizing the Canal Commissioners to rectify a mistake in the sale of a Canal lot in La Salle county."

The rule of the House being dispensed with, said bill was read a first and second time by its title, and

Referred to a select committee.

Ordered, That Messrs. Walker of Vermilion, Churchill and Murphy of Cook be that committee.

The House adjourned.

TUESDAY, January 21, 1840.

House met pursuant to adjournment.

On motion of Mr. Henry,

The reading of the Journal for this morning was dispensed with.

Mr. Maus from the committee on Engrossed Bills, reported as correctly engrossed a bill of the following title, to wit:

"An act to locate the county seat of Stark county, and to extend the limits of said county;"

Mr. Jarrott presented the petition of citizens of St. Clair county, for a bridge across the Mississippi river, which was read, and

On his motion,

Laid on the table.

On motion of Mr. Edwards,

The Senate bill for "An act attaching a portion of Tazewell county to Logan county," and was taken up;

On his motion,

The rules of the House were dispensed with, and the bill read the first and second time by its title, and

Referred to the committee on counties.

Mr. Hardin presented the petition of sundry citizens of Beardstown, praying to be exempted from paying State taxes, which, on his motion, without reading, was referred to the committee on the Judiciary."

Mr. Hardin presented the memorial of M. A. Chime, which was read, and

On motion of Mr. Hardin,

Referred to the committe on Claims.

Mr. Webb presented the petition of sundry citizens of White county, which was read; and

On motion of Mr. Greene of Clay,

Referred to a select committee,

Ordered, That Messrs. Green of Clay, Webb, and Alexander, be that committee.

Mr. Webb from the committee on the Judiciary, reported a bill for "An act concerning Sheriffs, Coroners, Constables, Justices of the Peace, and Probate Justices of the Peace," which was read the first time, and

Ordered to a second reading; and

On his motion,

The rule of the House was dispensed with, and the bill now read a second and third time, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof and ask their concurrence therein.

Mr. Rawalt from the committee on Finance, to whom was referred a bill for "An act concerning the revenue of Clay county;" reported the same back to the House without amendment, and the bill was

Ordered to be engrossed for a third reading.

Mr. Hardin from the committee on the Judiciary, to which was referred the bill for "An act to provide for the auditing and settling the accounts of Public officers;" reported the same back to the House with sundry amendments.

Mr. Stapp moved to lay the amendment, reported by the committee, in pursuance to a resolution of the House, on the table; which was not agreed to, by ayes and noes, as follows:

Those voting in the affirmative, are,

Messrs. Aldrich, Allen of Greene, Archer, Craig, Dawson, Elkin, Gilham, Happy, Hardin, Harlan, Henderson, Henry, Houston, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Marshall, McCormick, McCutchen, Williams, Menard, Murphy of Cook, Murphy of Vermilion, Otwell, Phillips, Rawalt, Read, Roberts, Roman, George Smith, Stapp, Walker of Fulton, Webb, and Williams—38.

Those who voted in the negative, are,

Messrs. Able, Brown, Carpenter, Churchill, Cloud, Crain, Cunningham, Daley, Dunn, Edmonson, Edwards, Elliott, Emmerson, English, Ficklin, Fisk, Foster, Green of Greene, Green of Clay, Gouge, Hankins, Harris, Holmes, Huey, Kercheval, Logan, Lyons, Maus, McMillan, Moore, Morgan, Murphy of Perry, Nance, Naper, Pace, Simms, Robert Smith, Starr, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Vermilion, Williamson, Wood, Zimmerman, and Mr. Speaker—46.

Mr. Ficklin moved to lay the report of the committee on the table, except the amendment reported by the committee, in conformity with a resolution of the House; which was agreed to.

Mr. Churchill moved for adoption the following, as a substitute for the bill:

To strike out all after the enacting clause, and insert:

Sec. 1. That the Governor be, and he is hereby authorized, to appoint some competent person, whose duty it shall be to thoroughly examine the accounts, books, papers, and every thing else, appertaining to the officers of Canal Commissioners, Board of Public Works, and Fund Commissioners, and make detailed reports of such examinations to the Governor, who is hereby authorized and requirted to cause the same to be published.

Sec. 2. The compensation of the person so selected by the Governor shall be two dollars and fifty cents per day, until his duties cease.

Sec.,3. Said agent shall have authority to send for persons and papers, if necessary, to a faithful and correct discharge of his duties."

On motion of Mr. McMillan,

The first section of proposed amendment was amended, by adding "by and with the advice and consent of the Senate," after the word "appoint."

Mr. Webb moved to strike out "two dollars and fifty cents, and insert $4,00 which was not done.

Mr. Naper moved to insert 5,00$

Mr. Turney moved to insert $3,50.

Mr. McMillan demanded a division of the question, and $2,50 was stricken out.

Mr. Stapp moved to amend so as to strike out, and insert a salary of $1,000 per annum; which was not agreed to.

The vote was then taken on inserting $5 00, and not agreed to; when the blank was filled with $3 50.

Mr. Edwards moved to lay the amendments on the table.

Mr. Harden moved to lay bill and amendments on the table; and on a division of the question, the House refused to lay the proposed amendments on the table, by ayes and noes, as follows:

Those voting in the affirmative, are,

Messrs. Able, Archer, Baker, Brown, Cloud, Dubois, Dunn, Edmonson, Edwards, Emmerson, Ficklin, Foster, Green of Greene, Hankins, Hardin, Harlan, Henderson, Jarrott, Johnson, Jones, Kent, Kercheval, Logan, Marshall, McCutchen, Menard, Murphy of Perry, Naper, Rawalt, Read, Roman, George Smith, Turney and Williamson—34.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Greene, Bowman, Carpenter, Churchill, Craig, Crain, Cunningham, Daley, Dawson, Elliott, Elkin, English, Fisk, Gilham, Green of Clay, Happy, Harris, Henry, Holmes, Houston, Huey, Hull, Kerr, Lincoln, Maus, McCormick, McMillan, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Vermilion, Nance, Otwell, Pace, Phillips, Roberts, Simms, Robert Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Webb, Williams, Wood, Zimmerman, and Mr. Speaker—51

And the question recurring on laying the bill on the table, it was decided in the negative.

On motion of Mr. Allen of Greene,

The second section of the proposed amendment was amended by adding after the word "published," the words "as he may deem necessary."

Mr. Hardin moved the indefinite postponement of the bill and amendment.

On motion of Mr. Cloud,

The whole subject was referred to a select committee.to

Ordered, That Messrs. Cloud, Robert Smith, and Stapp, be that committee.

A message from the Senate by Mr. Kellogg, their assistant Secretary:

Mr. Speaker: I am directed by the Senate to transmit to the House of Representatives the report of James H. Woodworth, Wm. W. Happy, and John Moore, three members of the Joint select committee appointed

by the two Houses to investigate the charges against the State Bank &c.

Mr. Henry from the Committee on Claims, to which was referred the petition of John Van Horn, reported the following resolution, which was concurred in:

"*Resolved by the General Assembly of the State of Illinois*, That the memorial of John Van Horn be referred to the Board of Public Works, with instructions to make such indemnification as may appear to be just."

Mr. Murphy of Perry, from the committee on Internal Improvements, to which was referred a petition, reported a bill for "An act for the relief of Contractors, and the adjustment of claims against the State;" which was read the first time, and

Ordered to a second reading; and

On motion of Mr. Elkin,

The rule of the House was dispensed with, and the bill now read a second time by its title, and

Referred to the committee on the Judiciary.

Mr. Menard from the committee on Engrossed Bills, reported as correctly engrossed, a bill for "An act to authorise Thomas J. Little, and Philo M. Knapp, to enclose certain streets and lots, in the town of Canton."

Mr. Stapp, from the committee on Finance, to which was referred preamble and resolutions in relation to revenue, reported the same back to the House without amendment.

Mr. Hankins moved to strike out all after the first word "whereas," and insert the following:

"A bill to cede the public lands within the limits of the new States, on certain conditions there in mentioned, was introduced into the Senate of the United States, on the 3d day of January, 1840; by the Hon. J. C. Calhoun; *and whereas*, the provisions of said bill are highly advantageous to the interests of the said new States; *and whereas*, the project therein submitted, in relation to the disposition of the pvblic lands is the most equitable and just, that has ever been presented to the consideration of the Congress of the United States:

Therefore be it resolved by the people of the State of Illinois represented in the General Assembly, That our Senators in Congress be instructed, and our Representatives requested, to use their utmost efforts and exert their influence and talents to secure the passage of the bill, the title whereof is set forth in the foregoing preamble, or one similar in its provisions.

Be it further resolved by the authority aforesaid, That it is the opinion of the people of Illinois that their constitutional sovereignty is incomplete untill they, through their Legislature, have unmixed and unrestricted control over the soil within the limits of the State.

Be it further resolved, That the thanks of the people of Illinois are due, and they are hereby tendered, to the illustrious author of the aforesaid bill, for its introduction into the United States Senate.

And be it further resolved, That the Governor be requested to forward a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress, and also to the Hon. John C. Calhoun."

Mr. Allen of Greene, moved to strike out the 3d resolution.

Mr. Jarrott moved to lay the proposed amendments offered by Mr. Hankins on the table, which was not agreed to by ayes and noes, as follows:

Those voting in the affirmative, are,

Messrs. Archer, Baker, Bowman, Craig, Cunningham, Dawson, Dubois, Dunn, Elliott, Elkin, Emmerson, Gilham, Hardin, Harlan, Henderson, Henry, Holmes, Hull, Jarrott, Jones, Kent, Kerr, Lincoln, Marshall, McCormick, McMillan, McCutchen, Menard, Murphy of Vermilion, Otwell, Phillips, Rawalt, Read, Roberts, George Smith, Stapp, Starr, Walker of Fulton, Webb, and Williams—40.

Those who voted in the negative, are,

Messrs. Able, Allen of Greene, Brown, Carpenter, Churchill, Cloud, Crain, Daley, Edmonson, Edwards, English, Ficklin, Fisk, Foster, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Huey, Johnson, Kercheval, Logan, Maus, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Roman, Simms, Robert Smith, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Vermilion, Williamson, Zimmerman, and Mr. Speaker—43

And the question recurring on the motion of Mr. Allen of Greene to strike out the third section,

It was decided in the affirmative by ayes and noes, as follows:

Those voting in the affirmative, are,

Messrs. Allen of Greene, Archer, Baker, Bowman, Brown, Carpenter, Churchill, Cloud, Craig, Cunningham, Dawson, Dubois, Dunn, Edmonson, Edwards, Elliott, Elkin, Emmerson, Foster, Gilham, Green of Clay, Green of Greene, Hardin, Harlan, Harris, Henderson, Henry, Holmes, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Marshall, McCormick, McCutchen, McMillan, McWilliams, Menard, Moore, Morgan, Murphy of Cook, Murphy of Vermilion, Otwell, Pace, Phillips, Rawalt, Read, Roberts, George Smith, Stapp, Starr, Thomas of McLean, Turney, Walker of Fulton, Walker of Vermilion, Webb, and Williams—62.

Those who voted in the negative, are,

Messrs. Able, Crain, Daley, English, Ficklin, Fisk, Hankins, Happy, Houston, Kercheval, Logan, Maus, Murphy of Perry, Nance, Naper, Roman, Simms, Robert Smith, Thomas of St. Clair, Williamson, Wood, Zimmerman, and Mr. Speaker—23.

When,

On Motion of Mr. Moore,

The whole subject was laid on the table.

Mr. Happy from the committee, on Public Accounts and Expenditures, to which was referred a Senate bill for "An act for the relief of William Howell, of Calhoun county;" reported the same back to the House without amendment, whereupon the bill was

Ordered to a third reading.

Mr. Ficklin from the Joint committee, appointed to investigate the affairs of the State Bank, made a report to the House which was read; and

Ordered to be transmitted to the Senate. When,

The House adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Maus from the committee on Engrossed Bills, reported as correctly engrosed, bills of the following titles, viz:

"An act to incorporate the town of Macomb;"

"An act to amend the several laws in relation to appeals;"

"An act to make school Commissioners elective by the people;"

"An act for the relief of certain securities therein named;"

"An act to vacate the town plat of Jeffersonville, in the county of Edgar;"

"An act to abolish the Board of Public Works, and to suspend all action and operation in the construction of Railroads;"

"An act to abolish the Board of Fund Commissioners and Public Works, and to create a Board of Internal Improvements."

The report of Mr. Woodworth of the Senate, and Messrs. Happy and Moore of the House of Representatives, members of the joint select committee, appointed to investigate the charges preferred against the State Bank of Illinois, was read.

Mr. Murphy of Cook, from the same Joint select committee, made a report, which was read.

On motion of Mr. Allen of Greene,

Resolved, That the Clerk be not required to enter upon the Journals, copies of the reports made to this House, from the members of the Joint select committee which was appointed to examine into the condition of the State Bank of Illinois; but that the accompanying documents be printed with the reports, and be distributed with the Journals.

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have concurred with them in their amendments to the Senate resolution, fixing the day after which neither House will receive any new business, as amended by them. They amend the second amendment of the House, by adding the following, to wit: at 8 o'clock A. M."

In which amendment of the Senate, they ask the concurrence of the House of Representatives.

They have also passed a bill of the following title, to wit:

A bill for "An act to repeal an act to maintain a general system of Internal Improvements, and all acts amendatory thereto."

In the passage of which said bill they ask the concurrence of the House of Representatives.

They have also laid upon the table, the report of the Joint Judiciary committee of the two Houses, to whom were referred all contracts made by the Fund Commissioners, &c., for the sale of State Bonds, since the adjournment of the Legislature in March last, and ordered one thousand copies to be printed; and have also laid upon the table, and ordered to be printed, one thousand copies of the statement of the Fund Commissioners, showing the amount of means that will be available for purposes of internal Improvements, in the year 1840.

On motion of Mr. Webb,

The rule of the House was dispensed with, in order to enable members to introduce bills.

Mr. Hankins introduced a bill for "An act in relation to the election of Members of Congress;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Edwards,

The rule of the House was dispensed with, and the bill read the second time by its title.

The question was then taken on the passage of the bill, and decided in the affirmative, by yeas and nays as follows, viz:

Those voting in the affirmative, are,

Messrs. Allen of Greene, Brown, Churchill, Cloud, Craig, Cunningham, Daley, Dubois, Dunn, Edwards, Emmerson, English, Fisk, Foster, Gilham, Green of Clay, Green of Greene, Hankins, Happy, Harlan, Harris, Houston, Huey, Jones, Kent, Kercheval, Kerr, Logan, Moore, Murphy of Vermilion, Nance, Naper, Otwell, Phillips, Rawalt, Roberts, Simms, George Smith, Robert Smith, Starr, Walker of Fulton, Webb, Williamson, Wood, and Mr. Speaker—45.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Archer, Baker, Bowman, Carpenter, Crain, Dawson, Elliot, Elkin, Ficklin, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Lincoln, Lyons, Marshall, Maus, McCormick, McCutchen, McMillan, McWilliams, Menard, Morgan, Murphy of Perry, Pace, Read, Roman, Stapp, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Vermilion, Williams and Zimmerman—39.

Ordered that the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

The message from the Senate in relation to receiving new business and adjournment, was taken up, and the Senate's amendment fixing the hour of adjournment at 8 o'clock concurred in.

Ordered, That the Clerk inform the Senate thereof.

Mr. Edmonson introduced a bill for "An act to continue the location of a State Road therein named, which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Edmonson,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Walker of Vermilion, introducod a bill for "An act in relation to to Executors;" which was read the first time, and

Ordered to a second reading; and

On motion of Mr. Walker of Vermilion,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Referred to the committee on the Judiciary.

Mr. Logan introduced a bill for "An act for the purposes therein named;"

The rule of the House being dispensed with, said bill was read a first and second time by its title, and

Referred to a select committee.

Ordered, That Messrs. Logan, Allen of Franklin, and Zimmerman be that committee.

Mr. Johnson introduced bills of the following titles, viz:

"An act to relocate part of a State Road, leading from Greenville to Hillsboro';"

"An act supplemental to an act entitled an act to incorporate the Vandalia and Mississippi Turnpike Company."

The rule of the House being dispensed with, said bills were read a first and second time by their titles, and

Referred to a select committee.

Ordered, That Messrs. Johnson, Otwell, and Roberts, be that committee.

Mr. Fisk introduced a bill for "An act to amend an act to establish the Illinois Asylum for the education of the deaf and dumb;" which was read the first time, and

Ordered to a second reading; and

On motion of Mr. Webb,

The Rule of the House was dispensed with, and the bill read a second time by its title, and

Referred to the committee on the Judiciary.

Mr. Moore introduced a bill for "An act concerning mills and milldams;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Moore,

The rule of the House was dispensed with, and the bill read a second time, and

Referred to the committee on Agriculture and Manufactures.

Mr. Murphy of Perry introduced a bill for "An act to refund certain money therein named;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Murphy of Perry,

The rule of the House was dispensed with, and the bill read a second time by its title.

Mr. Webb moved to amend the bill by adding the following proviso, viz:

Provided, That the counties through which Railroads and Canals pass shall, in like manner, repay to the State the several sums that have been expended in their respective counties.

Mr. Johnson moved to lay bill and amendment on the table until the 4th day of July next.

Mr. Rawalt demanded a division of the question so as first to take the vote on laying the amendment on the the table until the 4th day of July nex next, and

The question being taken on laying the amendment on the table, it was decided in the affirmative.

The question was then taken on laying the bill on the table until the 4th day of July next, and decided in the negative by yeas and nays as follows, viz:

Those who voted in the affirmative, are,

Messrs. Allen of Greene, Archer, Baker, Bowman, Carpenter, Churchill, Daley, Dawson, Dubois, Edwards, English, Green of Greene, Hankins, Hardin, Harlan, Henderson, Henry, Holmes, Houston, Hull, Jarrott, Johnson, Jones, Kercheval, Kerr, McCormick, McWilliams, Menard, Morgan, Naper, Phillips, Rawalt, Read, Roberts, Stapp, Starr, Thomas of McLean, Walker of Fulton, Webb, Williams, and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Brown, Cloud, Craig, Crain, Cunningham, Dunn, Edmonson, Elliott, Elkin, Ficklin, Fisk, Foster, Gilham, Green of Clay, Happy, Harris, Huey, Kent, Logan, Lyons, Marshall, Maus, McCutchen, McMillan, Moore, Murphy of Perry, Murphy of Vermilion, Nance, Otwell, Pace, Roman, Simms, George Smith, Robert Smith, Thomas of St. Clair, Turney, Walker of Vermilion, Williamson, Wood, and Zimmerman—42.

Mr. Marshall moved to amend the bill by adding the following to the first section of the bill, viz:

"So much of said money as has not been expended in public improvements."

Mr. Stapp moved to lay the bill and amendment on the table, which was agreed to by yeas and nays as follows, viz:

Those who voted in the affirmative, are,

Messrs. Allen of Greene, Archer, Baker, Bowman, Carpenter, Churchill, Daley, Dawson, Dubois, Edgards, English, Gilham, Green of Clay, Green of Greene, Hankins, Hardin, Harlan, Henderson, Henry, Holmes, Houston, Hull, Jarrott, Johnson, Jones, Kercheval, Kerr, McCormick, McWilliams, Menard, Morgan, Naper, Phillips, Rawalt, Read, Roberts, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Webb, Williams, and Mr. Speaker—43.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Brown, Cloud, Craig, Crain, Cunningham, Dunn, Edmonson, Elliott, Elkin, Ficklin, Fisk, Foster, Happy, Harris, Huey, Kent, Logan, Lyons, Marshall, Maus, McCutchen, McMillan, Moore, Murphy of Perry, Murphy of Vermilion, Nance, Otwell, Pace, Roman, Simms, George Smith, Robert Smith, Turney, Walker of Fulton, Walker of Vermilion, Williamson, Wood, and Zimmerman—40.

Mr. Rawalt on leave, introduced the following resolution, viz:

Resolved by the General Assembly, That it shall be the duty of the Secretary of State, to distribute with the Laws and Journals of the present Session, one copy of the laws of the United States, to each county; to be kept in the office of the Clerk of the County Commissioners' Courts; which resolution was agreed to.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Otwell introduced a bill for "An act to incorporate the Madison county Ferry Company."

The rule of the House being dispensed with, said bill was read a first and second time by its title, and

Referred to a select committee.

Ordered, That Messrs. Otwell, Morgan, and Thomas of St. Clair, be that committee.

Mr. McCormick introduced bills of the following titles, viz:

"An act in relation to State Bank of Illinois, and the Bank of Illinois;"

"An act in relation to the Sangamon River, and the Sangamon Bridge."

The rule of the House being dispensed with, said bills were read a first and second time by their titles, and

Referred to a select committee.

Ordered, That Messrs. McCormick, Nance, Hull, Pace, and Carpenter, be that committee.

Mr. Green of Clay introduced "A bill for a State Road in Clay county;" which was read the first time, and

Ordered to a second reading; and

On motion of Mr. Green of Clay,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Green of Clay introduced a bill for "An act for the relief of certain persons, in a certain case, on the Little Wabash river;"

The rule of the House being dispensed with, said bill was read a first and second time by its title, and

Referred to a select committee.

Ordered, That Messrs. Green of Clay, Webb, and Fisk, be that committee.

Mr. Daley introduced "A bill for an act fixing the time of holding the Circuit Courts, in Jersey County;" which was read the first time, and

Ordered to a second reading; and

On motion of Mr. Daley,

The rule of the House was dispensed with, and the bill read a second and third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Archer introduced a bill for "An act to authorize John Hynes to establish and keep a ferry across the Ohio river, at Massac, and to locate a road to said ferry;" which was read the first time, and

Ordered to a second reading; and

On motion of Mr. Archer,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Pace introduced a bill for "An act for the purposes therein named;"

The rule of the House being dispensed with, said bill was read a first and second time by its title, and

Referred to a select committee.

Ordered, That Messrs. Pace, Crain, and Foster, be that committee.

Mr. Moore introduced bills of the following titles, viz:

"An act to incoaporate the town of Tremont;"

"An act in relation to a State Road in the counties of Fayette and Marion;" when,

On motion,

The House adjourned.

WEDNESDAY, January 22, 1840.

House met pursuant to adjournment.

Mr. Crain from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles, to wit:

"An act to establish a State Road from Petersburg, in Menard county, to Waverly in Morgan county;"

"An act in relation to the publication of the reports of the decisions of the Supreme Court of the State of Illinois;"

"An act for the relief of John G. McHatton."

On motion of Mr. Lincoln,

The bill for "An act to authorize and require the School Commissioners of Sangamon county, to pay over certain school funds to the School Commissioners of Menard, Logan, and Dane counties; was taken up for consideration, and the amendments of the Senate to the bill and title were concurred in.

Ordered, That the Clerk inform the Senate thereof.

The bills for "An act in relation to a State Road in the counties of Fayette and Marion," and "An act to incorporate the town of Tremont;" were severally read the first time and

Ordered to a second reading, and

On motion,

The rule a of the House were dispensed with, and the same respectfully read a second time by their titles, and

Ordered to be engrossed for a third reading.

Mr. Stapp presented the petition of sundry citizens of Henry county, which, without reading, were

On his motion,

Referred to a select committee.

Ordered, That Messrs. Stapp, Edmonson, and Aldrich, be that committee. And

On motion of Mr. Stapp,

The engrossed bill for "An act to legalize the acts of certain officers of Henry county, and for other purposes;" was taken up, and

Referred to the same select committee to which the foregoing petition was referred.

Mr. Lyons presented petitions in relation to Champaigne county, which

On his motion,

Were, without reading, referred to a select committee.

Ordered, That Messrs. Lyons, Elliott, and Simms, be that committee.

Mr. Nance presented petitions of citizens of Logan, which

On his motion,

Without reading, was referred to the committee on Counties.

Of citizens of Sangamon county, which, on his motion were referred to a select committee.

Ordered, That Messrs. Nance, Edwards, and Gouge, be that committee.

Of citizens of Dane county; which

On his motion,

Without reading, were referred to a select committee.

Ordered, That Messrs. Nance, Lincoln, and Moore be that committee.

Mr. Archer from committee on State Roads, to which was referred a petition, reported a bill for "An act to locate a certain road in Champaign and Vermilion counties; which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Lyons,

Laid on the table.

Mr. Crain from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles, to wit:

"An act to amend an act entitled 'an act to incorporate the colleges therein named;'"

"An act in relation to schools and school lands;"

"An act to incorporate the St. Clair Steam Mill Company;"

"An act to build a Mill-dam across the Muddy fork in Clay county, and for other purposes;"

"An act to re-locate part of a State Road in Dewitt county;"

"An act to amend an act entitled 'an act to repeal part of an act to incorporate the city of Chicago;'"

Mr. Fisk from the committee on Judiciary, to which was referred Senate bill for

"An act to incorporate the city of Quincy;"

Reported the same back to the House, and recommended its passage.

On motion of Mr. Fisk,

The bill was amended by striking out the fifth line of the third section of article second; And all after the word "a" in the seventh line of the second section and third article; and the word "and" in the eighth line; and the bill as amended was

Ordered to a third reading.

Mr. Marshall from the committee on the Judiciary, to whom was referred a petition, reported a bill for "An act for the relief of William McKenny, and Robert Symms;" which was read the first time, and

Ordered to a second reading, and

On his motion,

The rule of the House was dispensed with, and the bill now read a second time by its title, and

On motion of Mr. Elkin,

Laid on the table.

Mr. Fisk from the committee on the Judiciary, to which was referred a petition, reported a bill for "An act for the benefit of the heirs of Samuel Jackson, deceased;" which was read the first time, and

Ordered to a second reading; and

On his motion,

The rule of the House was again dispensed with, and the bill now read a second time by its title, and

Ordered to be engrossed and read a third time.

Mr. Nance from the committee on Salines, to which was referred a petition, reported a bill for "An act to improve the navigation of the Sangamon river;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Dawson,

The rule of the House was dispensed with, and the bill now read a second time by its title, and

Referred to a select committee.

Ordered, That Messrs. Dawson, Nance, and Holmes, be that committee.

Mr. Hardin from the select committee, to which was referred a bill for "An act in relation to the State Bank of Illinois;" reported the same back to the House, with a substitute for the original bill.

Mr. Moore moved to lay the bill and proposed amendment on the table; which was not agreed to.

Mr. Moore demanded a call of the House, proceedings under which having been continued for some time, were on motion dispensed with.

Mr. Edmonson moved to amend the first section of the bill proposed by the committee as a substitute, by adding:

"And said Bank is hereby authorized and required to establish one Branch of said Bank in the town of McComb, on or before the first day of September next, with a capital of at least two hundred thousand dollars;" which was not agreed to.

Mr. Cloud moved to amend the seventh section of the reported substitute, by adding as follows:

"It is further provided that each stockholder in said Bank shall be bound in all his property, credits, audits, and effects, to the amount of the issues upon the amount of capital paid in by said stockholders respectively; and the State shall never be held liable for the redemption of any greater amount of issues by said bank than a suitable proportion on the issues upon the capital stock paid in."

Mr. Gouge demanded a division of the question, so as first to take the vote on the last clause of the amendment first.

Mr. Carpenter moved to lay the whole proposed amendment to report of committee on the table; which was decided in the negative by ayes and noes as follows:

Those voting in the affirmative, are,

Messrs. Able, Aldrich, Archer, Baker, Bowman, Carpenter, Craig, Dawson, Dubois, Dunn, Edwards, Elkin, Emmerson, Gilham, Green of Clay, Hardin, Harlan, Henderson, Henry, Holmes, Hull, Huey, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Marshall, Menard, Murphy of Vermilion, Otwell, Phillips, Read, Roberts, George Smith, Starr, Thomas of McLean, Walker of Fulton, and Williams—39.

Those who voted in the negative, are,

Messrs. Allen of Greene, Brown, Churchill, Cloud, Crain, Cunningham, Daley, Edmonson, Elliott, English, Ficklin, Fisk, Foster, Green of Greene, Gouge, Hankins, Happy, Harris, Houston, Kercheval, Maus, McCormick, McCutchen, McMillan, McWilliams, Moore, Morgan, Murphy of Perry, Nance, Naper, Pace, Rawalt, Roman, Simmes, Robert Smith, Stapp, Thomas of St. Clair, Turney, Walker of Vermilion, Williamson, Wood, Zimmerman, and Mr. Speaker—43.

When,

On motion of Mr. Rawalt,

The whole subject was referred to a committee of the Whole House, and made the special order of the day for this afternoon.

Mr. Maus. from the committee on Engrossed Bills, reported as correctly engrossed, a bill for "An act to amend an act concerning Judgments and Executions, approved, January 17, 1825." When,

On motion of Mr. Marshall,

The above entitled bill was read the third time and passed.

Ordered, That the titles be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in its passage.

On motion,

The House adjourned till two o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Allen of Greene demanded a call of the House, and after some time spent therein, further proceedings under a call of the House, were,

On motion of Mr. Williams,

Discontinued.

On motion of Mr. Ficklin,

The House now resolved itself into committee of the Whole, upon the bill and amendments for "An act in relation to the State Bank of Illinois;" and after some time spent therein, the committee rose, and Mr. Robert Smith the chairman, reported that they had agreed to the report of the select committee, reported to the House this morning, as amended by them, in which report they ask the concurrence of the House.

Mr. Cloud moved to amend the 7th Section of tne report of the committe, by adding the following, viz:

"It is further provided, that each stockholder in said Bank shall be bound in all his property, credits and effects, to the amount of the issues of the capital stock paid in by said Stockholders, respectively, and the State shall never be held liable for the redemption of any greater amount of issues by said Bank, than a ratable proportion on the issues upon the capital stock paid in." And

The question being taken on the proposed amendment, it was decided in the negative by yeas and nays as follows, viz:

Those who voted in the affirmative, are,

Messrs. Brown, Churchill, Cloud, Crain, Cunningham, Daley, Edmonson, English, Ficklin, Fisk, Foster, Green of Greene, Hankins, Happy, Harris, Houston, Kercheval, Maus, McCutchen, Moore, Morgan, Nance, Naper, Pace, Rawalt, Simms, Robert Smith, Turney, Walker of Vermilion, Williamson, Wood, and Mr. Speaker—32.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Allen of Greene, Archer, Baker, Bowman, Carpenter, Craig, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Gilham, Green of Clay, Gouge, Hardin, Harlan, Henderson, Henry, Holmes, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Logan, Lincoln, Marshall, McCormick, McMillan, McWilliams, Menard, Murphy, Otwell, Phillips, Read, Roberts, George Smith, Stapp, Starr, Thomas of McKean, Thomas of St. Clair, Walker of Fulton, Webb, and Williams —50.

Mr. Daley moved to amend the report of the committee by adding the the following as an additional section, viz:

"The General Assembly reserves the right to alter, amend, or repeal the Charter of said Bank, whenever the public good may require the same; and this revival of its charter is granted expressly upon this provision becoming a portion of the organic law of said institution." And

The question being taken on the proposed amendment, it was decided in the negative by yeas and nays as follows, viz:

Those who voted in the affirmative, are,

Messrs. Allen of Greene, Brown, Churchill, Cloud, Crain, Cunningham, Daley, Edmonson, Elliott, English, Ficklin, Fisk, Foster, Green of Greene,

Gouge, Hankins, Happy, Harris, Houston, Kercheval, Maus, Moore, Morgan, Nance, Pace, Rawalt, Simms, Robert Smith, Turney, Walker of Vermilion, Williamson, Wood, and Mr. Speaker—33.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Archer, Baker, Bowman, Carpenter, Craig, Dawson, Dubois, Dunn, Edwards, Elkin, Emmerson, Gilham, Greene of Clay, Hardin, Harlan, Henderson, Henry, Holmes, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Logan, Lincoln, Lyons, Marshall, McCormick, McCutchen, McMillan, McWilliams, Menard, Murphy of Vermilion, Naper, Otwell, Phillips, Read, Roberts, George Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Webb, and Williams —50.

Mr. Churchill moved to amend the report of the committee of the Whole, by adding the following:

"That the said Bank shall resume specie payments immediately upon the passage of this bill."

"That the State of Illinois Shall have a majority of the directors of said Bank, to be appointad as the State directors now are appointed;"

Mr. Jarrott moved the previous question.

Mr. Moore moved to lay the motion for the previous question on the table; which was not agreed to.

And on the question—Shall the previous question be now put?

It was decided in the affirmative, by ayes and noes as follows:

Those who voted in the affirmative, are,

Messrs. Able, Aldrich, Allen of Greene, Archer, Bowman, Carpenter, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Emmerson, Ficklin, Foster, Gilham, Green of Clay, Harlan, Henry, Holmes, Houston, Huey, Jarrott, Jones, Kent, Kerr, Logan, Lincoln, Marshall, McCormick, McCutchen, McWilliams, Menard, Morgan, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Rawalt, Read, Roberts, Simms, Starr, Walker of Fulton, Webb, and Williams—47.

Those who voted in the negative, are,

Messrs. Baker, Brown, Churchill, Cloud, Crain, Daley, Edmonson, Elliott, English, Fisk, Green of Greene, Gouge, Hankins, Happy, Hardin, Harris, Henderson, Hull, Johnson, Kercheval, Lyons, Maus, McMillan, Moore, Nance, Pace, Phillips, George Smith, Robert Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Vermilion, Williamson, Wood, Zimmerman, and Mr. Speaker—38.

The question recurring on the proposed amendment to the report of the committee, offered by Mr. Churchill,

Mr. Maus demanded a division of the question, so as to take the vote on each proposition of the amendment separately.

And on agreeing to the first proposition, the ayes and noes being demanded, it was decided in the negative as follows:

Those voting in the affirmative, are,

Messrs. Brown, Churchill, Cloud, Crain, Daley, Edmonson, English, Fisk, Foster, Gouge, Hankins, Happy, Harris, Moore, Morgan, Murphy of Perry, Naper, Pace, Rawalt, Simms, Robert Smith, Turney, Walker of Vermilion, Williamson, Wood, and Zimmerman—26.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Allen of Greene, Archer, Baker, Bowman, Car-

penter, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Ficklin, Gilham, Green of Clay, Green of Greene, Hardin, Harlan, Henderson, Henry, Holmes, Houston, Hull, Huey, Jarrott, Johnston, Jones, Kent, Kercheval, Kerr, Logan, Lincoln, Lyons, Marshall, Maus, McCormick, McCutchen, McMillan, McWilliams, Menard, Murphy of Vermilion, Nance, Otwell, Phillips, Read, G. Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Webb, Williams and Mr. Speaker—58.

And on agreeing to the second proposition of Mr Churchill's proposed amendment,

It was decided in the negative, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Brown, Churchill, Cloud, Crain, Daley, Edmonson, English, Fisk, Foster, Hankins, Happy, Harris, Houston, Kercheval, Maus, Moore, Morgan, Murphy of Perry, Nance, Naper, Pace, Simms, Robt. Smith, Walker of Vermilion, Williamson, Wood, Zimmerman and Mr. Speaker —28.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Allen of Greene, Archer, Baker, Bowman, Carpenter, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Ficklin, Gilham, Green of Greene, Green of Clay, Gouge, Harden, Harlan, Henderson, Henry, Holmes, Hucy, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Logan, Lincoln, Lyons, Marshall, McCormick, McCutchen, McMillan, McWilliams, Menard, Murphy of Vermilion, Otwell, Phillips, Rawalt, Read, Roberts, George Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Webb and Williams—56.

When the report of the committee of the Whole House was concurred in, and the bill

Ordered to be engrossed for a third reading, by ayes and noes, as follows:

Those voting in the affirmative, are,

Messrs. Able, Aldrich, Allen of Greene, Archer, Baker, Bowman, Carpenter, Craig, Cunningham, Dawson, Dunn, Edwards, Elkin, Emmerson, Ficklin, Gilham, Green of Clay, Green of Greene, Gouge, Hardin, Harlan, Henderson, Henry, Holmes, Houston, Hucy, Hull, Jarrott. Johnston, Jones, Kent, Kerr, Logan, Lincoln, Lyons, Marshall, Maus, HcCormick, McMillan, McWilliams, Menard, Murphy of Vermilion, Otwell, Read, Roberts, George Smith, Starr, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Fulton, Webb, Williamson and Mr. Speaker—54.

Those voting in the negative, are,

Messrs. Brown, Churchill, Cloud, Crain, Daley, Dubois, Edmonson, Elliott, English, Fisk, Foster, Hankins, Happy, Harris, Kercheval, McCutchen, Moore, Morgan, Murphy of Perry, Nance, Naper, Pace, Phillips, Rawalt, Simms, Robert Smith, Strapp, Turney, Walker of Vermilion, Williams, Wood and Zimmerman—32.

The rule of the House being dispensed with,

Mr. Lincoln, from the select committee, to which was referred the bill for "An act for the further prosecution of the Illinois and Michigan canal;" reported the same back to the House with an amendment.

Mr. Maus moved to amend by adding the following: "Provided that any contractor now having a contract or contracts on said canal, may abandon the same, and the Commissioners shall pay over his retained per centage on the abandonment being presented to them in writing;" when the House informally passed over the subject, and

The Speaker laid before the House a communication from the Governor, notifying the House of a vacancy in the office of Treasurer of the Illinois and Michigan Canal Board; which was read and laid on the table.

The Speaker also laid before the House a communication from the State House Commissioners, in answer to a call from the House; which was read and laid on the table.

A message from the Senate by Mr. Bond, their Secretary.

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have indefinitely postponed the further consideration of the House resolution, appointing a joint select committee of the two Houses, to proceed to Jacksonville and examine that part of the rail road finished, &c.

They have concurred with the House in the adoption of the preamble and resolutions, instructing our Senators and requesting our Representatives to use their best exertions to procure an alteration in the practice of the Land Office Department in certain cases; as also in the adoption of the preamble and resolutions, instructing our Senators and requesting our Representatives in Congress, to procure at the present session of Congress, an appropriation of at least three hundred thousand dollars, to be applied to the removal of the obstructions to the navigation of the Upper Mississippi river, &c. And they have also concurred with them in the adoption of the House preamble and resolution, relative to the surveying and subdividing of Township Five, North range, Fourteen West, on the Embarras river, heretofore omitted to be subdivided by the General Government, &c.

They have also passed bills of the following titles, viz:

"An act to relocate a State road from Charleston to Andrew Wilson's, in Macon county;"

"An act for the relief of contractors on Public Works, in this State;" and

"An act to establish a Ferry across the Illinois river."

In the passage of which several bills, they ask the concurrence of the House of Representatives.

A message from the Governor by A. P. Field, Secretary of State.

Mr. Speaker: I am directed by the Governor to lay before the House of Representatives a written communication.

Mr. Murphy of Vermilion, on leave, moved for adoption the following resolution:

"*Resolved by the General Assembly of the State of Illinois*, That the Treasurer be, and he is hereby authorized and required, to commence a suit against certain citizens of Springfield, for the balance due on a bond excuted to him for a certain sum of money to be applied to the building of the State House in Springfield, and that he be authorized to employ such counsel as will best secure the interest of the State."

The House adjourned.

THURSDAY, January 23, 1840.

House met pursuant to adjournment.

The question being on the adoption of the resolution offered by Mr. Murphy of Vermilion, and pending when the House adjourned last evening,

On motion of Mr. Hardin,

The same was amended by adding the following:

"*Provided*, That the amount due on said bond shall not have been paid within six months from the passage of this resolution."

Mr. Churchill moved to strike out "six months" and insert "three months;" which was not agreed to.

Mr. Happy moved to amend the resolution by striking out all after the word "resolved" and inserting the following:

"That the bond executed by the citizens of Springfield, to the Treasurer of the State, be and the same is hereby cancelled and annulled."

Mr. Huey moved the following as an amendment to the proposed amendment,

"And that the State offices be removed to Vandalia; and the Seat of Government shall remain at Vandalia for the next six years, and until further provided for by future legislation;" which was not agreed to.

And the question recurring on the amendment proposed by Mr. Happy,

Mr. Moore demanded a division of the question; when

The House refused to strike out.

Mr. Roman moved to lay the resolution and amendment on the table; which was agreed to by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Greene, Bowman, Churchill, Craig, Dawson, Dubois, Elkin, English, Green of Greene, Gouge, Hardin, Harlan, Henderson, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kercheval, Kerr, Logan, Lincoln, Marshall, McCormick, McCutchen, McMillan, Menard, Moore, Murphy of Cook, Nance, Naper, Phillips, Rawalt, Roberts, Roman, George Smith, Thomas of McLean, Walker of Fulton, Webb, Williams and Williamson——43.

Those who voted in the negative, are,

Messrs. Able, Archer, Brown, Carpenter, Cloud, Crain, Cunningham, Daley, Dunn, Edmonson, Elliott, Emmerson, Ficklin, Fisk, Foster, Gilham, Green of Clay, Hankins, Happy, Harris, Henry, Houston, Huey, Maus, Morgan, Murphy of Perry, Murphy of Vermilion, Otwell, Pace, Read, Simms, Robert Smith, Stapp, Thomas of St. Clair, Turney, Wood, Zimmerman, and Mr. Speaker—38.

The bill introduced some days since by Mr. Johnson for "An act to amend the act entitled an act to incorporate the Vandalia and Mississippi Turnpike Company;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. Johnson,

The rule of the House was dispensed with, and the bill now read a second time by its title, and

Ordered to be engrossed for a third reading.

The bill passed over informally last evening for "An act in relation to the prosecution of the Illinois and Michigan Canal," coming up for consideration.

On motion of Mr. Murphy,

The proposed amendment offered by Mr. Maus was laid on the table; when the amendment reported by the select committee was agreed to.

Mr. Moore moved further to amend the bill by adding the following:

"*Provided*, That not more than one million of dollars shall be issued during the present year."

On motion of Mr. Maus,

The proposed amendment offered by Mr. Moore was amended by striking out all after the word "provided" and inserting the following:

"That the Commissioners may issue scrip to a sufficient amount, and no more, to carry on the work, until the end of the next session of the Legislature;" and the amendment as amended was agreed to.

Mr. Logan moved to amend the bill by striking out and adding the following:

"Said scrip shall be signed by the Governor, countersigned by the Secretary of the State, and the amount issued to be audited by the State Auditor, and endorsed on the back by the State Treasurer;" which was not agreed to, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Bowman, Carpenter, Cunningham, Dawson, Dubois, Dunn, Emmerson, Ficklin, Foster, Hankins, Huey, Johnson, Logan, Marshall, McCormick, McMillan, Menard, Morgan, Murphy of Vermilion, Phillips, Read, George Smith, Thomas of St. Clair, Turney, Walker of Fulton, and Wood—26.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Allen of Greene, Archer, Baker, Brown, Churchill, Cloud, Craig, Crain, Daley, Edmonson, Edwards, Elliott, Elkin, English, Fisk, Gilham, Green of Clay, Green of Greene, Happy, Hardin, Harlan, Harris, Henderson, Henry, Holmes, Houston, Hull, Jarrott, Jones, Kent, Kercheval, Kerr, Lincoln, Maus, McCutchen, McWilliams, Moore, Murphy of Cook, Murphy of Perry, Nance, Naper, Otwell, Pace, Rawalt, Roberts, Roman, Stapp, Thomas of McLean, Walker of Vermilion, Webb, Williams, Williamson and Mr. Speaker—55.

When, on motion,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Moore,

The rule of the House was dispensed with, in order to enable him to make a report.

Mr. Moore from the committee on Counties, to whom was referred a Senate bill for "An act attaching a portion of Tazewell county to Logan county;" reported the same back to the House without amendment, and recommended its passage; when the bill was

Ordered to a third reading; and

On motion of Mr. Eikin,

The rule of the House was dispensed with, and the bill read a third time and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

A bill for "An act for the further prosecution of the Illinois and Michigan Canal;" coming up for consideration,

Mr. Dawson demanded a call of the House, and

On motion of Mr. Walker of Fulton,

Further proceedings under the call of the House were dispensed with.

Mr. Lincoln moved to amend the bill by adding at the end of the first section the following proviso, viz:

"*Provided*, That no more than five hundred thousand dollars of said certificates shall at any one time be outstanding;" which amendment was agreed to.

Mr. Dawson moved to amend the bill by striking out all after the enacting clause, and insert the following:

"That the loan created in London, in the Kingdom of Great Britain, by the Hon. Richard M. Young, agent for the State of Illinois, with Messrs. Wright & Co., be and the same is hereby ratified, and that the Governor take proper steps to aid the Commissioners of the Illinois and Michigan Canal to prosecute the works on said Canal, until the arrivals of said loan can be realized."

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have refused to concur with them in their amendments to a bill for "An act to provide for holding an additional term of the Circuit Court in the county of Peoria."

They have passed the Senate bill returned by the Council of Revision, as amended by them, to obviate the objection of the council, entitled "An act to authorize Allen P. Hubbard to build a mill-dam across Fox river."

They amend said bill by striking out the third section thereof.

In the passage of which bill as amended by them, they ask the concurrence of the House of Representatives.

They have also concurred with the House of Representatives in the passage of the bill from the House of Representatives, entitled "An act fixing the times of holding the spring terms of the Circuit Courts in the counties of Coles and Champaign, and authorizing an additional term of the Circuit Court of Vermilion and Edgar," as amended by them, in which amendment they ask the concurrence of the House of Representatives.

They have amended the title of said bill, so as to make it read, "An act giving the counties of Vermilion and Edgar an additional term of the Circuit Courts;" in which amendment to the title of said bill, they ask the concurrence of the House of Representatives.

They have also passed bills of the following titles, viz:

"An act to legalize the change of a certain State road therein named;"

"An act in relation to the Court House, in the county of La Salle;"

"An act to incorporate the City of Springfield;"

"An act to amend an act regulating the publication and distribution of the Laws and Journals of the General Assembly;"

"An act to revive an act in relation to a State road in the counties of Franklin, Jefferson and Wayne;"

"An act to re-locate a certain State road in Pike county;"

"An act to authorize Shelton L. Hall and others to establish a Ferry across Rock river;" and

"An act to incorporate the Beet Sugar Manufacturing Company, and Randolph Silk Manufacturing Company."

In the passage of which said several bills, they ask the concurrence of the House of Representatives; when,

On motion,

The House adjourned.

FRIDAY, JANUARY 24, 1840.

House met pursuant to adjournment.

Mr. Jarrott from the committee on Engrossed Bills, reported as correctly engrossed, a bill of the following title:

"An act in relation to the State Bank of Illinois."

Mr. Churchill presented the petition of Henry L. Brush; which, without reading, was on his motion,

Referred to the same select committee, to which was referred a bill for an act on the same subject.

Mr. Henry moved to dispense with the rules of the House, and take up for consideration the messages from Senate; which was not agreed to.

On motion of Mr. McWilliams,

The rules of the House were dispensed with, and the Senate bill for "An act to authorize the auditor to enter a credit upon a judgment against Robert Davis;" was taken up for consideration, read the first time, and

Ordered to a second reading; and

On the further motion of Mr. McWilliams,

The rule of the House was dispensed with, and the bill now read the second and third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. Crain from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles, viz:

"An act to incorporate the Meredosia Hotel Company;"

"An act to authorize the Board of Public Works to re-audit and settle the accounts of Edward Smith, deceased;"

"An act to continue the location of a State road therein named;"

"An act concerning the revenue in Clay county:"

"An act for a State road in Clay county;"

"An act declaring a strip of ground therein described, to be public street;"

"An act to re-locate a part of a State road therein named;"

And an act to incorporate the Marion Institute."

Mr. Cloud from the select committee, to which was referred the bill for "An act to amend an act concerning the public revenue, approved February 26th, 1839;" together with the amendments proposed thereto by the committee on the Judiciary, reported the same back to the House

with additional amendments, to the report of the Judiciary committee, which were concurred in.

Mr. Henderson moved to amend the first section by adding the following:

"And should such Assessor or Collector fail or refuse to discharge their duties enjoined on them by law, such Assessor or Collector shall forfeit and pay the sum of dollars, to be recovered by action of debt."

On motion of Mr. Elkin,

The blank in the proposed amendment was filled with "one hundred."

And the amendment as amended was agreed to.

And the question recurring on agreeing to the report of the committee on the Judiciary as amended,

It was decided in the affirmative.

On motion of Mr. Dawson,

The bill was further amended by an additional section.

"That whenever it is represented to the county Commissioners' Clerk of any county in this State, that any person or persons have established a store in any of the aforesaid counties, for the purpose of selling, vending, or in any wise disposing of goods, wares, or merchandize, after the term prescribed by law, to close the assessments of property by the Assessors for the several counties in this State, it shall be, and it is hereby made the duty of said Clerks to assess the same in the same manner as the Assessors would have done, and hand said assessment over to the county Commissioners of their respective counties, who shall place the same in the hands of the Collector of said county, who shall collect the same as other assessments, and when collected, shall pay the same over as a part of the county revenue."

Mr. Walker of Vermilion moved to add the following as an additional section to the bill:

"So much of the act to which this is an amendment, as authorizes the Assessors to administer an oath to persons listing their property, be and the same is hereby repealed;" which,

On motion of Mr. Read,

Was laid on the table.

Mr. Johnson moved to amend the bill by adding the following as an additional section:

"Hereafter, Assessors shall not compute the value of improvements on lands, provided such improvements shall consist of farms or appertaining to farms; also, not to value any article of property which is not mentioned in the revenue law."

On motion of Mr. Stapp,

The proposed amendment offered by Mr. Johnson was laid on the table, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Aldrich, Archer, Baker, Bowman, Brown, Churchill, Cloud, Craig, Dawson, Edmonson, Edwards, Elkin, Emmerson, Ficklin, Foster, Green of Clay, Gouge, Hankins, Happy, Henderson, Holmes, Houston, Huey, Hull, Jarrott, Kent, Kercheval, Kerr, Lincoln, Maus, McCutchen, McMillan, Moore, Murphy of Cook, Murphy of Perry, Nance, Naper, Otwell, Rawalt, Roberts, George Smith, Stapp, Starr,

Thomas of McLean, Turney, Walker of Fulton, Walker of Vermilion, Zimmerman and Mr. Speaker—50.

Those who voted in the negative, are,

Messrs. Allen of Greene, Carpenter, Crain, Cunningham, Daley, Dubois, Elliott, English, Fisk, Gilham, Green of Greene, Hardin, Harlan, Harris, Henry, Johnson, Jones, Logan, Marshall, McWilliams, Menard, Morgan, Murphy of Vermilion, Pace, Phillips, Read, Roman, Simms, Robert Smith, Thomas of St. Clair, Webb, Williamson and Wood—33.

Mr. Marshall moved to amend the first section of the bill by adding the following:

"If there should be no candidate for the offices of Collectors or Assessors, and no person shall be elected to fill said offices, or those elected should refuse to act, then, and in that case, the county Commissioners of the several counties in this State, are hereby authorized and required to appoint the said Assessors and Collectors."

Mr. Stapp moved the previous question.

Mr. Maus moved to lay the motion for the previoas question on the table; which was not agreed to.

And on the question—Shall the main question be now put?

It was decided in the affirmative.

When the amendment proposed by Mr. Marshall was agreed to.

And the report of the committee on Judiciary as amended, was concurred in; and the bill

Ordered to be engrossed for a third reading.

Mr. Lincoln from the committee on Finance, to which was referred a resolution, reported a bill for "An act, authorizing the purchase of a House for the use of the Governor;" which was read the first time, and

Ordered to a second reading.

Mr. Happy from the committee on Public Accounts and Expenditures, to which was referred a bill for "An act making appropriations for the years 1839 and 1840;" reported the same back to the House with amendments, which were read and concurred in; when,

On motion of Mr. Lincoln,

The bill was committed to a committee of the Whole House, and made the special order of the day for this day at 7 o'clock, P. M.

Mr. Webb from the committee on Judiciary to which was referred a bill for "An act in relation to promissory notes;" reported the same back to the House without amendment; and the bill was

Ordered to be engrossed for a third reading.

Mr. Marshall from the committee on the Judiciary, to which was referred a bill for "An act regulating the fees of Clerks of the Supreme Circuit and county Commissioners' Courts;" reported the same back to the House without amendment.

Whereupon,

The bill was ordered to be engrossed and read a third time.

On motion of Mr. Fisk,

The bill for "An act to amend an act to provide for changing the venue in civil and criminal cases, approved January 23d, 1827;" was taken up for consideration; when,

On motion of Mr. Webb,

The bill was amended by striking out the first section of the report of the committee on the Judiciary.

On motion of Mr. Fisk,

The following was added as an additional section:

"That the Judge of the Circuit Court of Clinton county may order a *venire* for any number of talismen that he may think proper at the next term of said court;" when

The report of the Judiciary committee, as amended, was concurred in; and the bill

Ordered to be engrossed for a third reading.

Mr. Webb from the committee on the Judiciary, to which was referred resolutions in relation to a call for a Convention to amend the Constitution of the State; reported the same back to the House, and recommended their rejection; when,

On motion of Mr. Walker of Vermilion,

The first resolution was stricken out.

Mr. Turney moved to amend by striking out all after the word resolved, and inserting the following:

"*That whereas*, The time has arrived which imperiously demands the amendment of the Constitution of this State, among many other reasons for the following, viz:

1st. To render members of the General Assembly ineligible to any office within the gift of the said General Assembly, during the time for which the members of said General Assembly were elected;

2d. To provide for the permanent residence of the officers of this State, whether Legislative, Executive or Judicial, in the State, county, district or town in which they were elected or appointed;

3d. To limit and define the tenure of office of the Judges of the Supreme and Inferior Courts, and make them elective by the people at the polls, so that a limit may be set to the tenure of life officers in the State.

4th. To do away with perquisites to salaried officers;

5th. To establish the Council of Revision, now a co-ordinate branch of the Legislature.

6th. To provide for an equal apportionment of representation, and to limit the number of members, and per diem allowance of both branches of the General Assembly;

7th. To exempt the common necessaries of life from taxation—

Therefore,

Resolved by the General Assembly of the State of Illinois, the constitutional majority concurring herein, That it be, and hereby is, recommended to the electors of this State, at the next general election of members of the General Assembly, to vote for or against calling a Convention to amend the Constitution of this State.

Resolved, That both branches of the General Assembly meet in the Hall of the House of Representatives, on Friday next, to vote for or against calling a Convention.

Resolved further, That the two Houses meet in the Hall of the House on the same day of January, 24th inst., the day above mentioned, to elect a Treasurer of the Board of Canal Commissioners; when,

On motion of Mr. Hardin,

The proposed amendment was laid on the table.

And on agreeing to the original resolutions as amended, the vote was taken by yeas and nays as follows:

Those who voted in the negative, are,

Messrs. Able, Aldrich, Allen of Greene, Brown, Carpenter, Churchill, Cloud, Craig, Daley, Dawson, Dunn, Edmonson, Edwards, Elliott, Elkin, English, Ficklin, Fisk, Green of Clay, Green of Greene, Hankins, Happy, Hardin, Harlan, Henderson, Harris, Holmes, Houston, Huey, Hull, Johnson, Jones, Kent, Kercheval, Kerr, Logan, Marshall, Maus, McCutchen, McMillan, McWilliams, Moore, Morgan, Nance, Naper, Rawalt, Read, Simms, Robert Smith, Stapp, Starr, Thomas of McLean, Turney, Walker of Fulton, Walker of Vermilion, and Williams—56.

Those who voted in the negative, are,

Messrs. Archer, Baker, Bowman, Crain, Cunningham, Dubois, Emmerson, Foster, Gilham, Gouge, Henry, Jarrott, Lincoln, Lyons, McCormick, Menard, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Otwell, Pace, Phillips, Roberts, Roman, George Smith, Thomas of St. Clair, Walker of Fulton, Webb, Williamson, Wood, Zimmerman, and Mr. Speaker—32.

Mr. Churchill moved that the resolution and vote be sent to the Senate.

Mr. Hardin moved to lay the whole subject on the table; which was agreed to.

Mr. Archer from the select committee, to which was referred a bill for "An act supplementary to an act entitled an act to incorporate the Vandalia and Mississippi Turnpike Company;" reported the same back with an amendment; when,

On motion of Mr. Ficklin,

The bill was committed to a committee of the Whole House, and made the special order of the day for to-morrow, at 7 o'clock, P. M.

Mr. Churchill from the select committee, to which was referred a bill for "An act to improve the Illinois river;" reported the same back to the House with an amendment; when,

The House adjournd till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Henderson,

The House took up for consideration the Engrossed Bill for "An act to locate the county seat of Stark, and to extend the limits of said county;" when,

On motion of Mr. Henderson,

The bill was amended by adding the following:

"And it is further provided, that should the vote of Henry county be against attaching the nine miles square to the county of Stark, then the county seat of Stark shall not be located, and this act shall be considered void and of no effect;" and

On motion of Mr. Henderson,

The rule of the House was dispensed with, and the bill now read a third time by its title, and passed.

Ordered that the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in its passage.

Mr. Stapp from the select committee to which was referred a bill for "An act to legalize the acts of certain offices of Henry county, and for other purposes;" reported the same back to the House with an amendment; which was read and concurred in; and the bill

Ordered to be engrossed for a third reading.

Mr. Moore from the select committee, to which was referred a bill for "An act for the relief of Livingston and De Witt counties;" reported the same back without amendment.

Whereupon, the bill was

Ordered to be engrossed for a third reading.

Mr. English from the select committee, to which was referred the petition of sundry citizens of Greene county; reported the same back to the House; and was discharged from its further consideration, and had leave to withdraw the same.

Mr. Nance from the select committee, to which was referred the petition of sundry citizens of Dane county; reported a bill for "An act to change the name of the county of Dane to that of Christian;" which was read the first time, and

Ordered to a second reading, and

On his motion,

The rule of the House was dispensed with, and said bill now read a second time by its title, and

Ordered to a third reading; and

On motion of Mr. Lincoln,

The rule of the House was further dispensed with, and the bill read a third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in its passage.

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate, to inform the House of Representatives that they have passed a bill of the following title, viz:

"An act to establish Insurance Offices in Morgan, Pike and Scott counties."

In the passage of which bill, they ask the concurrence of the House of Representatives.

A bill for "An act for the further prosecution of the Illinois and Michigan Canal," coming up for consideration,

Mr. Naper moved to lay the amendment offered by Mr. Dawson to said bill on the table; which was agreed to.

Mr. Turney moved to amend the bill by adding the following proviso, viz:

Provideed, The Governor be required to issue scrip to the amount of fifty thousand dollars, to be equally expended on the little Wabash river, and the Skillet Fork, to improve the navigation of said rivers."

Mr. Dawson moved to amend the amendment by adding after the word "Skillet Fork" the words Big Muddy.

On motion of Mr. Lincoln,

The amendment and the amendment to the amendment were laid on the table.

The question was then taken on ordering the bill to be engrossed for a third reading, and decided in the negative by yeas and nays as follows, viz:

Those voting in the affirmative, are,

Messrs. Aldrich, Allen of Greene, Archer, Brown, Churchill, Cloud, Craig, Daley, Edwards, Elkin, English, Fisk, Green of Clay, Green of Greene, Harlan, Henderson, Houston, Hull, Kent, Kercheval, Lincoln, Maus, McCutchen, McWilliams, Murphy of Cook, Nance, Naper, Rawalt, Roberts, Roman, Stapp, Starr, Thomas of McLean, Walker of Fulton, Walker of Vermilion and Mr. Speaker—36.

Those who voted in the negative, are,

Messrs. Able, Bowman, Carpenter, Crain, Cunningham, Dawson, Dubois, Dunn, Edmonson, Elliott, Emmerson, Foster, Gilham, Gouge, Hankins, Happy, Hardin, Harris, Henry, Holmes, Huey, Jarrott, Johnson, Jones, Logan, Lyons, Marshall, McMillan, Menard, Moore, Morgan, Murphy of Perry, Murphy of Vermilion, Otwell, Pace, Phillips, Read, Simms, George Smith, Robert Smith, Thomas of St. Clair, Turney, Webb, Williamson, Wood and Zimmerman—46.

A Senate bill for "An act to provide for holding an additional term of the Circuit Court in the county of Peoria," coming up for consideration.

The question was taken on the House receding from its amendment to said bill, and decided in the negative.

A Senate bill for "An act to repeal an act, to establish and maintain a general system of Internal Improvements, and all acts amendatory thereto;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. Henry,

The rule of the House was dispensed with, and the bill read the second time by its title.

Mr. Rawalt moved to amend the bill by inserting after the word "way" in the last line of the bill the words "except in incorporated towns," and

The question being taken on agreeing to the proposed amendment; it was decided in the negative by yeas and nays as follows, viz:

Those who voted in the affirmative, are,

Messrs. Churchill, Cloud, Crain, Cunningham, Dunn, Elkin, Hankins, Henderson, Kent, McMillan, Moore, Murphy of Perry, Otwell, Rawalt, Robert Smith, Williamson, Wood, Zimmerman and Mr. Speaker—19.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Allen of Greene, Archer, Bowman, Brown, Carpenter, Craig, Daley, Dawson, Dubois, Edmonson, Edwards, Elliott, Emmerson, English, Fisk, Foster, Gilham, Green of Clay, Green of Greene, Gouge, Happy, Hardin, Harlan, Harris, Henry, Holmes, Houston, Huey, Hull, Jarrott, Johnson, Jones, Kerr, Kercheval, Logan, Lincoln, Lyons, Marshall, Maus, McCutchen, McWilliams, Menard, Morgan, Murphy of Cook, Murphy of Vermilion, Nance, Naper, Pace, Phillips, Read, Roberts, Roman, Simms, George Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Fulton, Walker of Vermilion, Webb and Williams—65.

Mr. Robert Smith moved to amend the bill by adding the following as an additional section, viz:

"Sec. 2. It shall be the duty of the Board of Public Works, or Board of Internal Improvement, elected at the present session of the General Assembly, (when sums have been paid to individuals for right of way, for any of the Railroads in this Sate, and the location has been changed, so as not to cross over the ground of said individual or individuals, in that case, the Commissioner in whose district the change has been made, shall call on said individual or individuals to return the same, and upon a failure so to do, the Commissioner as aforesaid shall cause suit to be commenced for the recovery of the sum so paid." Which amendment was,

On motion of Mr. Henry,

Laid on the table.

Mr. Elkin moved to amend the bill by adding the following as an additional proviso, viz:

"*And provided further*, So far as the State shall have procured the right of way over which any of said Internal Improvements were to pass, shall be, and forever remain in the State until otherwise directed by law."

Mr. McMillan moved the previous question, which was sustained.

The question was then taken on agreeing to the amendment proposed by Mr. Elkin, and decided in the negative.

The question was then taken on ordering the bill to a third reading, and decided in the affirmative by yeas and nays as follows, viz:

Those who voted in the affirmative, are,

Messrs. Allen of Greene, Archer, Bowman, Brown, Carpenter, Cloud, Daley, Dubois, Edmonson, Elliott, Emmerson, English, Ficklin, Fisk, Foster, Gilham, Green of Greene, Happy, Hardin, Harlan, Harris, Henderson, Henry, Holmes, Houston, Jarrott, Johnson, Jones, Kent, Kercheval, Kerr, McCutchen, McWilliams, Menard, Morgan, Murphy of Cook, Nance, Pace, Phillips, Read, Simms, Robert Smith, Stapp, Starr, Walker of Fulton, Walker of Vermilion, Webb and Williams—48.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Baker, Churchill, Craig, Crain, Cunningham, Dawson, Dunn, Edwards, Elkin, Green of Clay, Hankins, Huey, Hull, Logan, Lincoln, Lyons, Marshall, Maus, McMillan, Moore, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Rawalt, Roberts, Roman, George Smith, Thomas of McLean, Thomas of St. Clair, Turney, Williamson, Wood, Zimmerman and Mr. Speaker—37.

Mr. Fisk moved that the rules of the House be now dispensed with, and the bill be now read a third time by its title; which was not agreed to.

A message from the Senate, by Mr. Bond, their Secretary.

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the adoption of the resolution, instructing the Board of Public Works to make John Von Horn such indemnification as may appear just, &c.

On motion of Mr. Hardin,

The rules of the House were dispensed with, and the bill for "An act in relation to the State Bank of Illinois;" was taken from the orders of the day, for consideration, and

Mr. Hardin moved to amend the same as follows:

Strike out the 8th article of the first section, and insert "That the said Bank shall not hereafter suffer any person, firm, or house, to become in-

debted at any one time to the Parent Bank, or either of its branches, as principal or maker of any promissory note or notes, in a sum greater than ten thousand dollars: That it shall not suffer any person, firm, or house, to become indebted to the parent Bank, or either of its branches, as security or endorser on promissory notes in a greater sum than ten thousand dollars: and that it shall not suffer any person, firm or house, to become indebted to the Parent Bank, in either of its branches, as drawer or indorser of bills of exchange, in a sum greater than twenty thousand dollars. And in case any person, firm or house, shall at the time of acceptance of this act by said Bank be indebted to it in any manner greater than allowed by the preceding limits, said Bank shall proceed to call in said debt by instalments, until it shall not exceed the amount allowed by the above provisions;"

In the 10th article strike out the word "money," and insert the word "capital" in lieu thereof.

Strike out the 11th article and insert in lieu thereof: "After the acceptance of this act, if said Bank shall fail to comply with any of the conditions, restrictions, or limitations, herein inforced, it shall be liable to be proceeded against, as may now be done, for a violation of the provisions of the original charter of the Bank."

And the question being on agreeing to the proposed amendments;

Mr. Baker demanded a division of the question, so as to take the vote on each proposition separately.

And on agreeing to the first proposition, it was decided in the negative; when the second proposed amendment was agreed to; and on agreeing to the third proposition,

Mr. English demanded a division of the question, so as first to take the vote on striking out; and the House refused to strike out, by ayes and noes, as follows:

Those voting in the affirmative, are,

Messrs. Able, Aldrich, Allen of Greene, Archer, Baker, Bowman, Carpenter, Craig, Cunningham, Dubois, Dawson, Dunn, Edwards, Elkin, Emmerson, Ficklin, Fisk, Gilham, Green of Clay, Green of Greene, Gouge, Hardin, Harlan, Henderson, Henry, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Logan, Lincoln, Lyons, Marshall, McCutchen, McMillan, Menard, Murphy of Vermilion, Otwell, Phillips, Rawalt, Read, Roberts, Roman, Simms, George Smith, Stapp, Starr, Thomas of St. Clair, Thomas of McLean, Walker of Fulton, Webb, Williams, and Williamson—56.

Those who voted in the negative, are,

Messrs. Brown, Churchill, Cloud, Crain, Daley, Edmonson, Elliott, English, Foster, Hankins, Happy, Harris, Holmes, Houston, Kercheval, Maus, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Robert Smith, Turney, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—30.

Two-thirds not having voted in the affirmative, as required by rule, the proposition to strike out was lost.

Mr. George Smith moved to amend by striking out the tenth article of the first section.

Mr. Elkin moved the previous question.

And on the question—Shall the main question be now put?

It was decided in the affirmative.

And on agreeing to the proposed amendment offered by Mr. George Smith;

It was decided in the negative.

When the bill as amended, was passed by ayes and noes, as follows:

Those voting in the affirmative, are,

Messrs. Able, Aldrich, Allen of Greene, Archer, Baker, Bowman, Carpenter, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Emmerson, Ficklin, Gilham, Green of Clay, Green of Greene, Gouge, Hardin, Harlan, Henderson, Henry, Holmes, Houston, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Logan, Lincoln, Lyons, Marshall, Maus, McWilliams, Menard, Murphy of Vermilion, Otwell, Read, Roberts, Roman, Starr, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Webb, Williamson, and Mr. Speaker—52.

Those who voted in the negative, are,

Messrs. Brown, Churchill, Cloud, Crain, Daley, Edmonson, Elliott, English, Fisk, Foster, Hankins, Happy, Harris, Kercheval, McCutchen, McMillan, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Phillips, Rawalt, Simms, George Smith, Robert Smith, Stapp, Turney, Walker of Vermilion, Williams, Wood, and Zimmerman—34.

Senate bill for "An act to establish Insurance offices in Morgan, Pike, and Scott counties;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. Gilham.

The rule of the House was dispensed with, and the bill now read a second time by its title, and

Ordered to a third reading; and

On motion of Mr. Henry,

The rules of the House were further dispensed with, and the bill now read a third time by its title and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

The message from the Senate with their amendment to the House bill for "An act fixing the times for holding the spring terms of the Circuit Courts, in the counties of Coles and Champaign, and authorizing an additional term of the Circuit Courts of Vermilion and Edgar;" coming up for consideration,

Mr. Ficklin, moved to lay the same on the table; which was not agreed to.

And the question being on concurring with the senate in their amendments.

On motion of Mr. Ficklin,

The bill was referred to a select committee.

Ordered, That Messrs. Ficklin, McMillan and Walker of Vermilion be that committee, when

On motion,

The House adjourned till 7 o'clock P. M.

SEVEN O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Marshall moved that the House adjourn, which was not agreed to.

Mr. Elkin moved that the House adjourn, which was not agreed to.
Mr. Edwards moved that the House adjourn, which was not agreed to.
Mr. Moore moved a call of the House, which was agreed to.
Mr. Read moved that the House adjourn, which was not agreed to.
On motion of Mr. Baker,
The House adjourned.

SATURDAY, January 25, 1840.

The House met pursuant to adjournment.
On motion of Mr. Dawson,
The House dispensed with the reading of the Journals.
On motion of Mr. Happy,
The committee of the Whole were discharged from the further consideration of the bill for "An act making appropriations for the years 1839 and 1840."
On motion of Mr. Daley,
The bill was amended by adding the following:
"To Seth M. Tinsley sixty-four dollars and seven cents, for articles furnished for the use of the State.
To John Hort two dollars and thirty eight cents, for drayage of wood, for the Council of Revision.
To Joseph Thayer twenty-five dollars for the rent of a room for the Enrolling and Engrossing Clerk of the House of Representatives.
To E. H. Bridges & Co. one dollar and twenty-five cents, for articles for the use of the State.
To John Clifton eighteen dollars and seventy-five cents, for the use of a room, fire and lights, furnished for the committee appointed to investigate the affairs of the State Bank.
To C. Birchell & Co. one hundred and thirty-seven dollars and seventy-five cents, in full, for articles furnished for the use of the State."
Mr. Pace moved to amend as follows:
"Amend the 9th section by striking out all between the word Representatives in the second line and the word 'the' in the latter part of the fourth line;" which was not agreed to.
On motion of Mr. Elkin,
The bill was amended by adding the following:
"To Webster & Hickox, for articles furnished for the funeral of the Hon. James Copeland, five dollars.
To Garrett Elkin, for a room furnished for the use of the Council of Revision, the sum of fifty-seven dollars."
On motion of Mr. Happy,
The following words were stricken out of the twentieth section, "the number of days employed to be certified by the door keepers of the two Houses respectively."
On motion of Mr. Allen of Greene,
The sum of "$3 00 per day," proposed to be given to the door keeper of the Council of Revision, was stricken out, and "$3 50 per day" inserted.
Mr. Cunningham moved the following amendment to the bill:

"And that George M. Hanson be allowed $40 for his attendance as a witness in the contested election of Pike county;" which was not agreed to.

Mr. George Smith moved to strike out the sum proposed to be appropriated to Mr. Walters, for copies of reported decisions of the Supreme Court, sold to Secretary of State; which was not agreed to.

On motion of Mr. Daley,

The blank in —— Sec. proposing to make an appropriation to Secretary of State, for going to Louisville for stationary, was filled with $75.

Mr. McCutchen moved to amend by striking out $4 per day for clerk hire for committees; which was not agreed to.

Mr. Henderson moved to amend the bill by adding the following:

"To the Trustees of 2d Presbyterian Church, the sum of two hundred dollars, and also the stoves and pipes, for the use of their church as a Hall for the House of Representatives."

Mr. Carpenter moved to amend the proposed amendment by striking out "200 and also."

Mr. Johnston demanded a division of the question, and on striking out, it was decided in the affirmative.

Mr. Henderson moved to fill the blank with $150.

Mr. Johnston moved to fill the blank with $300.

On motion of Mr. Elkin,

The House re-considered its vote on striking out "$200 and also;" when the House refused to strike out "200 and also."

Mr. Happy moved to amend the amendment by adding the following:

"To the Trustees of the 2d Presbyterian Church the sum of five hundred dollars, to be paid out of appropriations made to build the State House at Springfield;" which was not agreed to.

When the amendment proposed by Mr. Henderson was agreed to.

On motion of Mr. Elkin,

The bill was further amended, by adding the following:

"To P. Beers, for the use of the Christian church by the Supreme Court at the last July term, the sum of fifty dollars.

To the Trustees of the Episcopalian church, for the use of said church by the Supreme Court at its present session, the sum of fifty dollars."

Mr. Kerr moved to amend the 2d section by striking out "four dollars," for per diem allowance and mileage of members of General Assembly, and insert $3 50.

On motion of Mr. Dubois,

The proposed amendment was amended by striking out $3 50 and inserting $5 00.

And on agreeing to the proposed amendment, Mr. Webb demand a division of the question; when

On motion of Mr. Churchill,

The amendment as amended was laid on the table.

On motion of Ficklin,

The proposed appropriation to Isaac Cook of $100, for expenses as deputy door keeper for this House, was stricken out.

Mr. Murphy of Cook moved to amend by allowing Isaac Cook $5 00 per day for each day employed in necessary travel, in going from and returning to the seat of Government; which was not agreed to.

On motion of Mr. Webb,

The blank made by striking out $100, was filled with $50.

On motion of Mr. Pace,

The 21st section was amended by inserting "fifty cents" after "three dollars," making it read three dollars and fifty cents.

Mr. Daley moved to amend the first section by striking out "four dollars" and inserting "six dollars;" which was not agreed to.

When the bill as amended, was

Ordered to be engrossed for a third reading.

The bill for "An act to improve the Illinois river;" reported with amendments, was taken up for consideration and the amendments concurred in.

Mr. Walker of Vermilion, moved to amend the bill by striking out "free holder;" when,

On motion of Mr. Moore,

The bill and proposed amendment was referred to the committee on Judiciary.

Mr. Moore from the committee on Enrolled Bills, reported as correctly enrolled, a bill, for

"An act to authorize and require the School Commissioner of Sangamon county to pay over certain school funds to the School Commissioners of Menard, Logan and Dane counties."

Mr. Stapp, from the committee on Engrossed Bills, reported as correctly engrossed, a bill, for

"An act to legalize the acts of certain officers of Henry county, and for other purposes;" which,

On motion of Mr. Stapp,

Was considered, read the third time and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in its passage.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles:

"An act in relation to a State road, in the counties of Fayette and Marion;"

"An act to authorize John Hynes to establish and keep a Ferry across the Ohio river at Massac, and to locate a road to said Ferry."

Mr. Walker of Vermilion, from the committee on Salines, to whom was referred a petition, reported a bill for "An act for the relief of the county;" which was read the first time, and

Ordered to a second reading; and

On his motion,

The rule of the House was dispensed with, and the bill now read a second time by its title, and

On the further motion of Mr. Walker of Vermilion,

Referred to the committee on Finance.

Mr. Ficklin, from the select committee, to which was referred the bill for "An act fixing the times of holding the spring term of the circuit courts, in the counties of Coles and Champaign, and authorizing an additional term of circuit courts of Vermilion and Edgar;" reported the same back to the House.

Whereupon the House refused to concur in the Senate's amendment to the same.

Ordered, That the Clerk inform the Senate thereof.

Mr. Lincoln, from the select committee, to which was referred a petition, reported a bill for "An act to dissolve the bands of matrimony between Nathaniel B. Martin and Sarah Martin his wife;" which was read the first time and

Ordered to a second reading; and

On his motion,

The rule of the House was dispensed with, and the bill now read the second time by its title, and

On motion of Mr. Marshall,

Referred to a committee on the Judiciary.

A message from the Senate by Mr. Bond, their Secretary.

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that they have passed bills of the following titles, to wit:

"An act changing the times of holding circuit courts in Jersey, Cass and Scott counties;"

"An act to amend an act entitled an act for the relief of purchasers of canal lots and lands, and for other purposes, approved March 2d, 1839;"

"An act in relation to the Charleston Seminary and Jonesboro' College;" and

"An act to amend the law, in relation to change of venue."

In the passage of which said several bills, they ask the concurrence of the House of Representatives.

They have also adopted the following resolution, to wit:

Resolved by the Senate, the House of Representatives concurring herein, That our Senators in Congress be instructed and our Representatives requested to vote for the passage of the bill recently introduced into the Senate of the United States by the Hon. John C. Calhoun, which provides for the cession of Public Lands to the new State. Should Mr. Calhoun's bill fail, then to vote for the bill usually called Mr. Clay's Land bill, which once passed both Houses of Congress by a large majority. Should this fail, then to vote for any other measure which in their judgment is most likely to receive the approbation of Congress, and which proposes to dispose of the Public Lands on principles just to the interests and political rights of States in which said Lands lie."

In the adoption of which resolution, they ask the concurrence of the House of Representatives.

Mr. Dawson, from the select committee, to which was referred the bill for "An act to continue in force so much of the 'act to establish and maintain a general system of Internal Improvements,' as relates to the Northern Cross road"—

Reported the same back to the House with an amendment, which was not concurred in. When

On motion of Mr. Hardin,

The same was referred to the committee on the Judiciary.

Mr. Edmonson, from the select committee, to which was referred a bill for "An act appointing an agent to superintend certain Improvements in Clay county;" reported the same back to the House without amendment, when the bill was

Ordered to be engrossed for a third reading.

Mr. Roman, from the select committee, to which was referred a bill for

"An act to incorporate the Illinois and St. Louis Bridge Company;" reported the same back to the House with an amendment; which was read and concurred in, and the bill

Ordered to be engrossed and read a third time.

The Speaker laid before the House a communication from John Tillson, jr., one of the Fund Commissioners of Illinois; which was read, and

Referred to the committee on Finance.

Mr. Archer, from the committee on State Roads, to which was referred a bill for "An act concerning a State road from Shelbyville to Hillsboro;" reported the same back to the House with an amendment, when

On motion,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK P. M.

House met pursuant to adjournment.

The bill under consideration when the House adjourned, was taken up; when the report of the committee was concurred in, and the bill

Ordered to be engrossed for a third reading.

The Senate bill for "An act to amend an act entitled 'an act for the relief of purchasers of canal lots and lands and for other purposes,' approved March 2d, 1839;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. Naper,

The rule of the House was dispensed with, and the bill now read a second time by its title, and

Referred to a select committee of nine.

Ordered, That Messrs. Naper, Lincoln, Walker of Vermilion, English, Hardin, Rawalt, Pace, Fisk and Craig, be that committee.

Senate bills of the following titles were severally read the first time, and

Ordered to a second reading; and

The rules of the House being dispensed with, were severally read the second time by their titles, and

Ordered to a third reading, to wit:

"An act to Incorporate the Kaskaskia Beet Sugar Manufacturing Company;"

"An act to authorize Shelton L. Hall and others, to establish a ferry across Rock river;" and

"An act to re-locate a certain State road in Pike county."

Senate bill for "An act for the relief of Stark County;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. Henderson,

The rules of the House were dispensed with, and the bill read now a second and third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

The Senate amendments to House bill for "An act permanently to lo-

cate the seat of Justice of the county of De Kalb;" were read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

The Senate bill for "An act to authorize Allen P. Hubbard to build a Mill-dam across Fox river;" returned by the council of revision to the Senate with objections, and repassed by the Senate with amendments, was taken up, and the Senate amendments concurred in and re-passed by the House.

Senate bill for "An act to revive 'an act in relation to a State road in the counties of Franklin, Jefferson, and Wayne;'" was read the first time and

Ordered to a second reading; and

On motion of Mr. Moore,

The rule of the House was dispensed with, and the bill now read a second time by its title, and

On motion of Mr. Turney,

Referred to a select committee.

Ordered, That Messrs. Turney, Pace and Carpenter, be that committee.

Senate bill for "An act to amend an act regulating the publication and distribution of the Laws and Journals of the General Assembly;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. Moore,

The rule of the House was dispensed with, and the bill read now a second and third time by its title and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Senate bill for "An act to alter a certain State road in Fayette county;" was,

On motion of Mr. Moore,

Read the first and second time by its title, and

On motion of Mr. Hankins,

Referred to a select committee.

Ordered, That Messrs. Hankins, Fisk, and Foster, be that committee.

Senate bill for "An act in relation to the Court House, in the county of La Salle;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. Churchill,

The rule of the House was dispensed with, and the bill now read the second and third time by its title and passed.

Ordered, That the Clerk inform the Senate thereof.

Senate bill for "An act to incorporate the city of Springfield,"

The rules being dispensed with,

On motion of Mr. Dubois,

Was read the first and second time by its title, and

On motion of Mr. Lincoln,

Referred to a select committee.

Ordered, That Messrs. Lincoln, Marshall, and Happy, be that committee.

Senate bill for "An act to legalize the change of a certain State road therein named;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. Williamson,

The rule of the House was dispensed with, and the bill read a second time by its title, and

On motion of Mr. Cunningham,

Referred to a select committee.

Ordered, That Messrs. Cunningham, Williamson, and Archer, be that committee.

Senate bill for "An act to re-locate a State road from Charleston to Andrew Wilson's in Macon county;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. Williamson,

The rule of the House was dispensed with, and the bill read a second time by its title, and

On motion of Mr. Cunningham,

Referred to a select committee of five.

Ordered, That Messrs, Cunningham, Williamson, Gouge, McMillan, and Simms, be that committee.

Senate bill for "An act to establish a ferry across the Illinois river;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. Maus,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Referred to a select committee.

Ordered, That Messrs. Maus, Harlan, and Baker, be that committee.

Senate bill for "An act for the relief of Contractors on public works in this State;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. Walker of Vermilion,

The rule of the House being dispensed with, said bill was now read a second time by its title.

Mr. Walker moved to amend the bill by adding the following proviso:

"*Provided however*, That those who have surrendered their contracts on account of the inability of the State to pay them their estimates, shall be entitled to the benefits of this act."

Mr. Daley moved to refer the bill and proposed amendment to the committee on the Judiciary, which was not agreed to.

When,

On motion of Mr. Robert Smith,

The same was referred to the committee on Internal Improvements.

Senate bill for "An act to amend the laws in relation to change of venue;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. Lincoln,

The rule of the House was dispensed with, and the bill now read a second time by its title.

Mr. Naper moved to refer the bill to the committee on the Judiciary, which was not agreed to; when the bill was

Ordered to a third reading.

Mr. Fisk moved to take up for consideration the Senate resolution in relation to Mr. Calhoun's Land bill, which was not agreed to.

Mr. Daley moved to take up the Senate bill repealing the Internal Improvement system, which was not agreed to.

A Senate bill for "An act supplemental to an act, entitled an act to incorporate the Quincy House Company, approved March 2, 1839;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. Starr,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Referred to the committee on the Judiciary.

A Senate bill for "An act in relation to the county of Williamson;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. Crain,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to a third reading.

A Senate bill for "An act to amend an act to provide for the dedication of lots in towns situated on canal lands to public purposes, approved February 28, 1839;" was read the first time, and

Ordered to a second reading.

A Senate bill for "An act to amend an act for the Probate of Wills in certain cases, in force March 2, 1839;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. Roman,

The rule of the House was dispensed with, and the bill read a second time by its title, and

On motion of Mr. Ficklin,

Was referred to the committee on the Judiciary.

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that they have passsed bills of the following titles, viz:

"An act legalizing the State road between Washington and Pekin;"

"An act to provide for the settlement of debts and liabilities incurred on account of Internal Improvements, in the State of Illinois;"

In the passage of which said several bills they ask the concurrence of the House of Representatives.

They have receded from their amendments to the Bill from the House of Representatives for "An act fixing the times of holding the spring terms of the Circuits in the counties of Coles and Champaigne, and authorizing an additional term of the Circuit Courts of Vermilion and Edgar."

They have directed me to ask a committee of conference on the disagreeing vote of the two Houses, on the bill from the Senate for "An act to provide for holding an additional term of the Circuit Court in the county of Peoria;" and have appointed Messrs. Hamlin and Harrison the committee on their part.

On motion of Mr. Henderson,

A committee of conference was appointed on the disagreeing vote

of the two Houses, on a bill for "An act to provide for holding an additional term of the Circuit Court, in the county of Peoria;"

Ordered, That Messrs. Henderson, Churchill, and Harlan, be that committee.

A Senate bill for "An act to amend an act authorizing Samuel Witters to build a toll bridge across the skillet fork of the little Wabash river;" was read the first time; and

Ordered to a second reading, and

On motion of Foster,

The rule of the House was dispensed with, and the bill read a second time by its title, and

On motion of Mr. Fisk,

Said bill was amended by striking out the words "the aforesaid" in the third line, and insert "Samuel."

On motion of Mr. Turney,

Said bill was referred to a select committee.

Ordered, That Messrs. Turney, Foster and Hankins, be that committee.

A Senate bill for "An act to change the name of the town of "Victoria," in the county of White, to that of Phillipstown;" was read the first time, and

Ordered to a second reading.

On motion of Mr. Webb,

The rule of the House was dispensed with, and the bill read a second and third time by its title and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

A Senate bill for "An act to authorize the Trustees of Schools in township eight North, range five East, to refund certain money;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. Starr,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to a third reading.

A Senate bill for "An act requiring School Commissioners to distribute school funds at the county seats;" was read the first time, and

Ordered to a second reading, and

On motion of Mr. Menard,

The rule of the House was dispensed with, and the bill read a second time by its title, and

On motion of Mr. Mc Millan,

Was referred to the committee on Education.

A Senate bill for "An act in relation to certain roads in Greene county;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. Allen of Greene,

The rule of the House was dispensed with, and the bill read a second time by its title, and

Ordered to a third reading; and

A Senate bill for "An act to locate a State road therein named;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. Read,

The rule of the House was dispensed with, and the bill read a second time by its title, and

On motion of Mr. Dunn,

Was referred to a select committee.

Ordered, That Messrs. Dunn, Read and Crain, be that committee.

A Senate bill for "An act to amend an act entitled an act to prevent trespassing by cutting timber;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. Naper,

The rule of the House was dispensed with, and the bill now read a second time by its title, and

On motion of Mr. Marshall,

Was referred to a select committee.

Ordered, That Messrs. Marshall, Webb and Edmonson, be that committee.

A Senate bill for "An act fixing the times of holding Courts in the sixth Judicial Circuit;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. Craig,

The rule of the House was dispensed with, and the bill read a second and third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

A Senate bill for "An act for the appointment of an additional Notary Public, in the town of Grafton, in Jersey county, and Pittsfield, in Pike county, and Charleston, in Coles county;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. Allen of Greene,

The rule of the House was dispensed with, and the bill read a second and third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

A Senate bill for "An act to grant pre-emption rights upon the lands owned by the State, and entered for Internal Improvement purposes;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. Hardin,

The rule of the House being dispensed with, the bill was read a second time by its title, and referred to the committee on the Judiciary.

A Senate bill for "An act providing for the printing of the Laws and Journals;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. George Smith,

The rules of the House were dispensed with, and the bill was read a second time by its title.

Mr. Fisk moved to refer the bill to the committee on the Judiciary; which was not agreed to; when,

On motion of Mr. George Smith,

Said bill was referred to the committee on Finance.

A Senate bill for "An act to amend the several laws in relation to practice in Courts of law and chancery;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. McCutchen,

The rule of the House was dispensed with, and the bill was now read a second time by its title, and

Referred to the committee on the Judiciary.

A message from the Governor, by Mr. Field, Secretary of State.

Mr. Speaker: I am directed by the Governor to lay before the House of Representatives a written communication.

The Speaker laid before the House a communication from the Governor, which, together with the accompanying documents, were read, and

On motion of Mr. Pace,

Laid on the table.

On motion,

The House adjourned.

MONDAY, January 27, 1840.

House met pursuant to adjournment.

On motion of Mr. Happy,

The rule of the House was dispensed with, and a bill for "An act to provide for the settlement of debts and liabilities incurred on account of Internal Improvement in the State of Illinois;" was taken up and read the first time, and

Ordered to a second reading; and

On motion of Mr. Happy,

The rule of the House was dispensed with, said bill now read a second time by its title, and

On motion of Mr. Hardin,

Was referred to the committee on the Judiciary.

Mr. Craig presented the petition of H. G. Reynolds and others, Justice of the Peace of Rock Island county; the reading of which was, on motion, dispensed with, and referred to the committee on the Judiciary.

Mr. Marshall from the select committee to whom was referred a bill for "An act to incorporate the Shawneetown Jocky Club Association;" reported the same back to the House with an amendment, which was read and concurred in; when the bill was

Ordered to be engrossed for a third reading.

Mr. Walker of Vermilion, from the committee on Finance, to whom was referred a bill for "An act for the relief of the county;" reported the same back to the House with amendments, which was read and concurred in.

On motion of Mr. Edmonson,

The bill was amended by striking out "one half" wherever it occurs in the bill, and inserting in lieu thereof the words "two thirds," when the bill was

Ordered to be engrossed for a third reading.

Mr. Fisk from the committee on the Judiciary, to whom was referred a bill for "An act to improve the Illinois river;" reported the same back to

the House with an amendment, which was read and concurred in. The bill was then

Ordered to be engrossed for a third reading.

Mr. Webb from the committee on the Judiciary, to whom was referred a bill for "An act providing for the collection of the State revenue in the counties of Greene and Jersey;" reported the same back to the House with an amendment, which was read and concurred in.

Mr. English moved to amend the bill by striking out the words "six per cent. interest on back revenue due by certain counties;" which was not agreed to.

On motion of Mr. Webb,

The bill was amended by adding after the words "real estate" the words "and personal property;" the bill was then

Ordered to be engrossed for a third reading.

Mr. Walker of Vermilion, from the committee on Salines, to whom was referred a certain petition, reported a bill for "An act to modify the system of Internal Improvements;" which was read the first time, and

Ordered to a second reading; and

On motion of Mr. Walker of Vermilion,

The rules of the House was dispensed with, and the bill now read a second time by its title.

Mr. McMillan moved to amend the bill by adding the following proviso, viz:

"*Provided*, that road shall lead East and West across the State."

On motion of Mr. Walker of Vermilion,

The bill and proposed amendment were referred to a select committee, to be composed of one from each Judicial Circuit.

Ordered, That Messrs. Walker of Vermilion, Kercheval, Henderson, Crain, Williams, Elkin, Harris, Craig and Zimmerman be that committee.

Mr. Ficklin from the committee on Education, to which was referred a bill for "An act to amend an act, distributing the School Fund;" reported the same back to the House with sundry amendments, which were not concurred in.

On motion of Mr Churchill,

The bill was amended by adding the following as an additional section, viz:

"That after School lands shall have been surveyed and valued as now required by law, and offered at public sale, if any lot or lots shall remain unsold, it shall not be lawful to enter the same at private sale for less than valuation price: *Provided*, that if said lot or lots of land remain unsold at the valuation price for the period of two years, it may be lawful for the Trustees of the proper township to cause the same to be re-valued and sold: *Provided further*, That no School Lands shall sell for a less price than one dollar and twenty-five cents per acre;" and the bill as amended, was

Ordered to be engrossed for a third reading.

Mr. Williams from the committee on Finance, to which was referred the bill for "An act to restore the charter of the State Bank of Illinois;" reported the same back to the House with an amendment; which was read and concurred in; when the bill was

Ordered to be engrossed for a third reading.

Mr. Marshall from the committee on the Judiciary, to which was referred the bill for "An act to dissolve the bands of matrimony, between Nathaniel B. Martin and Sarah Martin his wife;" reported the same back to the House without amendment; when the bill was

Ordered to be engrossed for a third reading.

Mr. Elkin from the committee on engrossed Bills, reported as correctly engrossed, a bill for "An act to amend an act concerning the public revenue, approved February 26th, 1839."

A message from the Senate by Mr. Bond, their Secretary.

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have passed bills of the following titles, to wit:

"An act to vacate a State road in Pike county;"

"An act incorporating the town of Carmi;"

"An act for the benefit of Morgan county."

In the passage of which said several bills, they ask the concurrence of the House of Representatives.

Mr. Naper, from the select committee, to which was referred the bill for "An act to amend an act for the relief of purchasers of canal lots and lands, and for other purposes, approved March 2d, 1839;" reported the same back to the House with an amendment.

Mr. Naper moved to amend the report of the select committee by adding the following:

"*Provided* the amount issued, shall not exceed five hundred thousand dollars, and that no new contracts shall be made by the Commissioners;" when,

On motion,

The House adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Moore moved a call of the House: which having continued for some time,

On motion of Mr. Henderson,

The further proceedings under the call of the House were dispensed with.

Engrossed Bills of the following titles were severally read the third time and passed, viz:

"An act in relation to State roads in the counties of Fayette and Marion;"

"An act to authorize John Hynes to establish and keep a Ferry across the Ohio river at Massac, and to locate a road to said Ferry;"

"An act to re-locate a part of a State in De Witt county;"

"An act to build a mill-dam across the Muddy Fork in Clay county, and for other purposes;"

"An act to incorporate the St. Clair Steam Mill Company;"

"An act relative to Schools and School Lands;"

"An act to amend an act entitled an act, to incorporate the Colleges therein named;"

"An act in relation to the publications of the reports of the decisions of the Supreme Court of the State of Illinois;"

"An act for the relief of John G. McHatton;"

"An act supplemental to the act incorporating Seminaries of Learning therein named;"

"An act to legalize the survey and plat of the town of Mount Auburn, in the county of Dane;"

"An act to amend the act entitled an act to provide for securing to mechanics' and others, liens for the value of labour and materials;"

"An act to authorize Charles Read and others, to establish a Ferry across Rock river;"

"An act to revive certain acts therein named, and for other purposes;"

"An act to amend an act concerning the Public Revenue, approved February 26th, 1839."

Ordered, That the titles be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the passage of same.

Engrossed Bills of the following titles:

The rules of the House being on motion, dispensed with; were severally read the third time by their titles, and passed, viz:

"An act to establish a State road from Petersburg in Menard county to Waverly, in Morgan county;"

"An act fixing the times of holding the Circuit Courts in the eighth Judicial Circuit;"

"An act to authorize Thomas I. Little, and Philo M. Knepp to enclose certain streets and alleys in the town of Canton;"

"An act to incorporate the Alton Foundry Steam Engine, and Machine Manufacturing Company;"

"An act to incorporate the town of McComb;"

"An act to incorporate the Montgomery Lyceum;"

"An act to authorize William Smith and John Dinsmore to build a mill-dam across Big Sandy Creek;"

"An act to incorporate the Hamilton Primary School;"

"An act to authorize the persons therein named to build and continue a mill-dam across the Little Wabash river;"

"An act to authorize Scott Clark and associates to build a free bridge across Fox river;"

"An act to locate a State road in the county of Washington;"

"An act requiring the School Commissioner of Cook county, to pay over certain moneys to the School Commissioner of Will, McHenry, Lake and Du Page counties, or to such other persons as shall be authorized to receive the same;"

"An act authorizing Jesse Blin and Stephen Mack to establish a Ferry across the Rock and Pickitonica rivers;"

"An act in relation to the assessment of taxes in Pope county;"

"An act authorizing Thomas B. Talcott and others to establish a Ferry across Rock river;"

"An act to amend an act relative to runaway Slaves;"

"An act to vacate a part of the town of Circleville;"

"An act to authorize the joint agent of Thomas S. Hinde and William McDowell to sell certain lands therein named;"

"An act to incorporate the town of Petersburg, in Menard county."

Ordered, That the titles be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the passage of the same.

Engrossed bill for "An act making School Commissioners elective by the people;" was read the third time and passed by ayes and noes as follows:

Those voting in the affirmative, are,

Messrs. Able, Allen of Green, Bowman, Brown, Carpenter, Churchill, Cloud, Craig, Crain, Cunningham, Daley, Edmonson, Edwards, Elliott, Emmerson, English, Ficklin, Foster, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Huey, Johnson, Kercheval, Kerr, Logan, Maus, McMillan, McWilliams, Moore, Morgan, Murphy of Perry, Nance, Naper, Pace, Rawalt, Read, Roberts, Roman, Simms, Geo. Smith, Robert Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Fulton, Walker of Vermilion, Williams and Mr. Speaker,—54.

Those who voted in the negative, are,

Messrs. Aldrich, Baker, Dawson, Dubois, Dunn, Elkin, Gilham, Gouge, Hardin, Harlan, Henderson, Henry, Hull, Jarrott, Jones, Kent, Lincoln, Marshall, McCutchen, Menard, Murphy of Cook, Otwell, Phillips, Webb, Williamson, Wood and Zimmerman,—27.

Ordered, That the the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bill for "An act for the relief of certain securities therein named;" was read the third time, and

On motion of Mr. Maus,

The words "*hold on*," in the third line of the ninth section, were stricken out, and the words "*remain bound*" inserted in place thereof;

When the bill as amended was passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in its passage.

Engrossed bill for "An act to vacate the town plat of Jeffersonville, in the county of Edgar;" was read the third time and passed, and

On motion of Mr. Craig,

The title of the bill was amended by adding the following:

"And a part of the town plat of New Quebec, in Rock Island county."

Ordered, That the title be as amenddd, and that the Clerk inform the Senate thereof and ask their concurrence in its passage.

Engrossed bill for "An act to abolish the Board of Public Works, and suspend all action and operation in the construction of rail roads;" was read the third time, and

On motion of Mr. Hardin,

Referred to the committee on Judiciary.

Engrossed bill for "An act to amend the several laws in relation to appeals;" was read the third time, and amended

On motion of Mr. Hardin,

By adding the following as an additional section:

"The security in any such appeal bond, shall be liable, on said bond, the amount of the original judgment, and all costs thereon, in case the said appeal be dismissed; and shall be liable also, on said bond, for whatever judgment may be rendered by the circuit court, in case the original judgment be affirmed by said circuit court, either in whole or in part.

And the same provision shall extend to appeal bonds, executed under the act to amend the several laws in relation to appeal bonds, and the trial of appeals, approved March 2d, 1839."

When the bill as amended was passed.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence therein.

An engrossed bill for "An act in relation to Public Works;" was read the third time, and

On motion of Mr. Elkin, was

Referred to a select committee.

Ordered, That Messrs. Elkin, Webb and Green of Clay, be that committee.

An engrossed bill for "An act concerning Groceries;" was read the third time.

The question was taken on the passage of the bill, and decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Aldrich, Allen of Greene, Baker, Brown, Carpenter, Churchill, Craig, Dawson, Dunn, Edmonson, Edwards, Elliott, Elkin, Foster, Gilham, Gouge, Hankins, Happy, Harden, Harlan, Harris, Henderson, Henry, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Logan, Lincoln, Marshall, McCutchen, McMillan, Moore, Morgan, Murphy of Cook, Nance, Phillips, Rawalt, Read, Simms, Stapp, Starr, Thomas of McLean, Turney, Walker of Vermilion, Williams, Williamson and Zimmerman—52.

Those who voted in the negative, are,

Messrs. Bowman, Cloud, Crain, Cunningham, Daley, Dubois, Emmerson, English, Ficklin, Fisk, Green of Clay, Green of Greene, Houston, Kercheval, Maus, McWilliams, Menard, Murphy of Perry, Naper, Otwell, Pace, Roberts, George Smith, Robt. Smith, Thomas of St. Clair, Walker of Fulton, Webb, Wood and Mr. Speaker—29.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

An engrossed bill for "An act to abolish the Boards of Fund Commissioners and Public Works, and to create a Board of Internal Improvements, was read a third time.

The question was then taken on the passage of the bill and decided in the negative.

Mr. Hardin, from the committee on the Judiciary, to whom was referred a bill for "An act to provide for the settlement of debts and liabilities incurred on account of Internal Improvements in the State of Illinois;" reported the same back to the House with sundry amendments.

Mr. Robert Smith moved to refer the bill together with the amendments to a select committee of nine, said committee to be composed of one from each Judicial circuit.

On motion of Mr. Webb,

Said bill was committed to the committee of the Whole House, and

On his further motion,

The House resolved itself into committee of the Whole, on said bill,

Mr. Walker of Vermilion in the Chair.

And after some time spent therein the committee rose and reported, and

On motion,

The committee of the Whole were discharged from the further consideration of the subject.

A message from the Council of Revision, by Mr. Hubbard, their Secretary.

Mr. Speaker: The Council of Revision have approved of a bill of the following title, viz:

"An act to authorize and require the School Commissioners of Sangamon county to pay over certain school funds to the School Commissioners of Menard, Logan and Dane counties."

On motion of Mr. Lincoln,

Resolved by the House of Representatives, the Senate concurring herein, That the two Houses will meet in the Hall of the House of Representatives on Tuesday, the 28th inst. at 7 o'clock, P. M., and proceed to the election of a Treasurer of the Board of Canal Commissioners.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Henderson, from the committee of Conference, on the disagreeing vote of the two Houses on a bill for "An act to provide for an additional term of the circuit court in the county of Peoria;" reported a substitute, which was read, and

On motion of Mr. Henderson,

Was laid on the table.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles, viz:

A bill for "An act to incorporate the town of Tremont;"

A bill for "An act in relation to promissory notes;"

A bill for "An act regulating the fees of clerks of the Supreme, Circuit and county Commissioners Courts;"

A bill for "An act for the relief of Livingston and De Witt counties;" and

A bill for "An act for the benefit of the heirs of Samuel Jackson, deceased."

A message from the Senate by Mr. Bond, their Secretary.

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the passage of bills from the House of Representatives, of the following titles, viz:

"An act in relation to Lusk Creek;"

"An act to legalize the assessment and collection of the revenue, in the counties of Iroquois and Clay, for the year 1839;"

"An act to relocate parts of a State road in Fayette county;"

"An act to extend the time for the location of State roads;" and

"An act to repeal an act for incorporating the Northern division of the American Bottom."

They have concurred with them in their amendments to the bill from the Senate, for "An act to amend an act to incorporate the Beet Sugar, Silk and Vegetable Oil Manufacturing Company, approved February 27, 1837."

They have concurred with the committee of Conference, appointed on the disagreeing vote of the two Houses, on the bill for "An act to provide

for holding an additional term of the circuit court in the county of Peoria" in their report thereon.

They have this day refused to order to a second reading the House bill for "An act for the benefit of Louisa Jones."

On motion,

The House adjourned.

TUESDAY, January 28, 1840.

House met pursuant to adjournment.

The reading of the Journal of yesterday, was, on motion, dispensed with.

Mr. Crain from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles, viz:

"An act for the relief of the county;" and

"An act regulating the practice of the Circuit Courts, in criminal cases."

On motion of Mr. Jarrott,

The House took up for considrration, the Senate bill for "An act to repeal an act to establish and maintain a general system of Internal Improvements, and all acts amendatory thereto;"

Mr. Maus demanded a call of the House; and during the pendency of the call,

Mr. Maus, on leave, from the select committee, to which was referred the bill for "An act to establish a ferry across the Illinois river;" reported the same back to the House with an amendment, which was read and concurred in; and the bill as amended, was

Ordered to a third reading; and

On motion of Mr. Elkin,

The rule of the House being dispensed with, and bill now read a third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

On leave, Mr. Bowman, from the select committee, to which was referred the bill for "An act to provide for the completion of the work under contract on the great Wabash river, under the compact between the States of Indiana and Illinois;' reported the same back to the House with an amendment, which was read and concurred in; and the bill as amended was

Ordered to be engrossed for a third reading.

On leave, Mr. Cloud from the select committee, to which was referred a bill for "An act to provide for the auditing and settling the accounts of public officers;" reported the same back to the House with sundry amendments, which were read and concurred in; and the bill as amended, was

Ordered to be engrossed for a third reading.

The Door-keeper having reported under the call of the House;

The House resumed the consideration of the bill proposing to repeal the Internal Improvement System, &c.; which was read the third time, and

Mr. Moore moved to lay the bill on the table, which was not agreed to.

When the bill was passed by ayes and noes as follows:

Those voting in the affirmative, are,

Messrs. Allen of Greene, Archer, Bowman, Brown, Carpenter, Cloud, Daley, Edmonson, Elliott, Emmerson, English, Ficklin, Fisk, Gilham, Green of Greene, Happy, Hardin, Harlan, Harris, Henderson, Henry, Houston, Jarrott, Johnston, Jones, Kent, Kercheval, Kerr, McCutchen, McWilliams, Menard, Morgan, Murphy of Cook, Nance, Otwell, Pace, Phillips, Read, Roman, Simms, Robert Smith, Stapp, Starr, Walker of Fulton, Walker of Vermilion, Webb, and Williams—47.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Baker, Churchill, Craig, Crain, Cunningham, Dawson, Dubois, Edwards, Elkin, Foster, Green of Clay, Hankins, Huey, Hull, Logan, Lincoln, Lyons, Mrrshall, Maus, McMillan, Moore, Murphy of Perry, Naper, Rawalt, Roberts, George Smith, Thomas of McLean, Thomas of St. Clair, Turney, Williamson, Wood, Zimmerman, and Mr. Speaker—35.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

The bill for an act supplemental to an act to incorporate the Vandalia and Missis-ippi Turnpike Company, coming up for consideration, was read the second time, and

On motion of Mr. English,

Committed to a committee of the Whole House, and

On the further motion of Mr. English,

The House now resolved itself into committee of the Whole, Mr. Happy in the chair, on the bill aforesaid, just referred, and after some time spent therein the committee rose and reported.

Mr. George Smith moved to amend the report of the select committee, by inserting after the word "river" the following:

"North of Alton, passing through Springfield, the Seat of Government of said State."

Mr. Fisk moved to lay the bill and proposed amendments on the table, which was not agreed to.

Mr. Webb moved the previous question, which was sustained.

And the question recurring on the proposed amendment to the report moved by Mr. George Smith; it was decided in the negative.

The report of the select committee, was then agreed to, by ayes and noes, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Carpenter, Churchill, Craig, Crain, Elliott, Emmerson, Ficklin, Foster, Gilham, Green of Clay, Hankins, Hardin, Harlan, Henderson, Henry, Holmes, Houston, Jarrott, Johnson, Kent, Kercheval, Kerr, Marshall, McMillan, McWilliams, Morgan, Murphy of Cook, Murphy of Perry, Naper, Pace, Read, Roberts, Roman, Starr, Thomas of St. Clair, Webb, Williams, and Mr. Speaker—39.

Those who voted in the negative, are,

Messrs. Able, Allen of Greene, Bowman, Brown, Cloud, Cunningham, Daley, Dawson, Dubois, Edmonson, Edwards, Elkin, English, Fisk, Green of Greene, Happy, Harris, Huey, Hull, Jones, Lincoln, Maus, Menard, Moore, Nance, Otwell, Rawalt, Simms, George Smith, Robert Smith, Thomas of McLean, Turney, Walker of Fulton, Walker of Vermilion, Williamson, Wood, and Zimmerman—37.

When the bill was

Ordered to be engrossed for a third reading.

The Senate bill for "An act to amend an act, entitled an act for the relief of purchasers of Canal Lots and Lands, and for other purposes, approved, March 2, 1839," coming up for consideration.

Mr. Walker of Vermilion moved to amend the first section of the report of the committee by adding the following:

"*Poovided*, That no such certificate shall be issued for work done on contracts made after the passage of this act; nor shall there be outstanding at any one time more than five hundred thousand dollars of said certificates; and it shall be the duty of the said Commissioners to report once in every month to the Governor, what amount of such certificates were issued during the month, of what denomination, to whom paid, and on what estimate. And if said certificates outstanding, shall at any time exceed the amount aforesaid, the Governor shall direct said Commissioner to stop issuing the same; and on failure so to do, when so directed, the said Commissioners shall forfeit and pay to the State three times the amount of the certificates issued by them, after being directed as aforesaid to stop their issue; and shall also be subject to indictment, and upon conviction shall be confined in the Penitentiary for a term not exceeeing ten years."

Mr. Zimmerman moved the previous question, which was sustained.

And the question, on the proposed amendment to the first section of the report of the select committee being taken, it was decided in the affirmative.

And on agreeing to the first section of the report of the select committee as amended,

It was decided in the negative, by ayes and noes, as follows:

Those voting in the affirmative, are,

Messrs. Allen of Greene, Archer, Brown Churchill, Cloud, Daley, Edwards, Elkin, English, Green of Clay, Green of Greene, Harlan, Henderson, Houston, Hull, Johnson, Kercheval, Kerr, Lincoln, Maus, McWilliams, Moore, Murphy of Cook, Naper, Rawalt, Roberts, Roman, Starr, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Williams, and Mr. Speaker—34.

Those who voted in the negative, are,

Messrs. Able, Bowman, Carpenter, Craig, Crain, Cunningham, Dubois, Dunn, Edmonson, Elliott, Emmerson, Fisk, Foster, Gilham, Hankins, Hardin, Harris, Henry, Holmes, Huey, Jarrott, Jones, Kent, Logan, Marshall, McMillan, Morgan, Murphy of Perry, Otwell, Pace, Read, Simms, George Smith, Robert Smith, Turney, Webb, Williamson, Wood, and Zimmerman—39.

When the second section of the report of the committee was agreed to; and the bill

Ordered to a third reading, when

The House adjourned till two o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

A call of the House was ordered.

Mr. Lyons from the select committee, to which was referred the peti-

tion of sundry citizens of Champaigne county, made the following report:

"The select committe to which was referred the petition of 59 citizens of the county of Champaigne, praying for an appropriation sufficient to build a bridge across the Ocaw, at Sodom's Grove, have had the same under consideration, and with deep regret are constrained to say, that the present deranged and impoverished state of the finances of the country, renders it impossible to claim appropriations for work already commenced, when small amounts would complete profitable jobs. And much as the travelling community would be benefitted by a bridge across that stream, at Sodom's Grove, yet the funds are not to be had to build it with, and your committee ask to be discharged from the further consideration of said petition." Which was agreed to.

Mr. Craig from the select committee, to which was referred a petition;

Reported a bill for "An act to re-locate and to provide for the Penitentiary;" which was read the first time, and

Ordered to a second reading, and

On his motion,

The rule of the House was dispensed with, and the bill read a second time by its title.

On motion of Mr. Robert Smith,

The blank in the first section of the bill was filled with the names of "James Craig, John D. Wood, and John Dawson;" when,

On motion of Mr. Edmonson,

The bill was laid on the table.

The door-keeper having reported under the call of the House;

Mr. Jarrott moved to re-consider the vote taken this morning, on ordering the bill for "An act to amend an act entitled an act for the relief of purchasers of canal lots and lands, and for other purposes, approved, March 2, 1839;" to a third reading; which was agreed to.

Mr. Zimmerman demanded a call of the House; and the roll having been called,

On motion of Mr. Naper,

The House dispensed with further proceedings under the call.

Mr. Jarrott moved to re-consider the vote taken on agreeing to the first section of the report of the select committee as amended, and the House refused to re-consider by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Greene, Archer, Baker, Brown, Churchill, Cloud, Daley, Edwards, Elkin, English, Fisk, Green of Clay, Green of Greene, Happy, Harlan, Henderson, Houston, Hull, Jarrott, Kercheval, Kerr, Lincoln, Maus, McCutchen, McWilliams, Moore, Murphy of Cook, Nance, Naper, Rawalt, Roberts, Roman, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Williams and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Able, Bowman, Carpenter, Craig, Crain, Cunningham, Dubois, Dunn, Edmonson, Elliott, Emmerson, Ficklin, Foster, Gilham, Hankins, Hardin, Harris, Henry, Holmes, Huey, Johnson, Jones, Kent, Logan, Lyons, Marshall, McMillan, Menard, Morgan, Murphy of Perry, Otwell, Pace, Phillips, Read, Simms, Robert Smith, George Smith, Turney, Webb, Williams, Wood, and Zimmerman—42.

Mr. Henry moved to dispense with the rules, and take up for consideration the bill in relation to settling with contractors; which was not agreed to.

Engrossed Bill for "An act, regulating the fees of Clerks of the Supreme, Circuit, and county Commissioners' Courts;" was read the third time.

Mr. Archer moved to refer the same to a select committee; which was not agreed to; when the bill was passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in its passage.

Senate bill for "An act to vacate a State road in Pike county;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. McWilliams,

The rule of the House was dispensed with, and the bill now read a second time by its title, and

On motion of Mr. Henry,

Referred to a select committee.

Ordered, That Messrs. Henry, McWilliams and Brown, be that committee.

Senate bill for "An act for the benefit of Morgan county;" was read the first time; and on the question--Shall it be ordered to a second eading;

It was decided in the negative.

Senate bill for "An act legalizing the State road between Washington and Pekin;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. Maus,

The rule of the House was again dispensed with, and the bill now read a second time by its title, and

Ordered to a third reading.

Senate bill for "An act changing the time of holding Circuit Courts in Jersey, Scott and Cass counties;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. English,

The rule of the House was dispensed with, and the bill now read a second time by its title, and

On motion of Mr. Daley,

The rule of the House was further dispensed with, and the bill now read a third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Senate bill for "An act in relation to the Charleston Seminary and Jonesboro' College;" was read the first time, and

Ordered to a second reading; and

On motion of Mr. Ficklin,

The rule of the House was dispensed with, and the bill now read a second time by its title, and

Ordered to a third reading.

Senate bill for "An act, incorporating the town of Carmi;" was read the first time, and

Ordered to a second reading; and

On motion, the rules of the House were dispensed with, and the bill now read the second and third times by its title, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. Crain from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles, viz:

"An act concerning a State road from Shelbyville to Hillsboro';"

"An act to incorporate the Illinois and St. Louis Bridge Company;"

"An act to incorporate the Illinois river;"

"An act appointing an agent to superintend certain improvements in Clay county;"

"An act to amend the act entitled an act to incorporate the Vandalia and Mississippi Turnpike Company;" and

"An act making additional appropriations for the years 1839 and 1840."

Mr. Moore from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles, viz:

"An act fixing the times of holding the Circuit Courts in the counties of Coles and Champaign, and authorizing an additional term of the Circuit Court of Vermilion and Edgar counties;"

"An act to re locate parts of a State road in Fayette county;"

"An act in relation to Lusk Creek;"

"An act to repeal an act incorporating the Northern division of the American Bottom;"

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the adoption of the preamble and resolutions from the House, instructing our Senators, and requesting our Representatives in Congress to use their best exertions to procure from the Congress of the United States, a donation of five hundred thousand acres of the public lands, lying in each of the States of Indiana and Illinois, to aid said States in the construction of the Mount Carmel and New Albany, and the Mount Carmel and Alton Railroads, &c.

A resolution from the Senate, instructing our Senators, and requesting our Representatives in Congress to vote for a certain disposition of the public lands, &c., coming up for consideration.

Mr. Fisk demanded a division of the question, so as first to take the vote on the first proposition in said resolutions; and the vote being taken on said proposition,

It was decided in the negative, by yeas and nays as follows, viz:

Those voting in the affirmative, are,

Messrs. Able, Aldrich, Allen of Greene, Archer, Bowman, Brown, Carpenter, Churchill, Cloud, Craig, Crain, Cunningham, Daley, Dawson, Edmonson, Edwards, Elliott, Elkin, Emmerson, English, Ficklin, Fisk, Foster, Gilham, Green of Clay, Green of Greene, Hankins, Happy, Hardin, Harlan, Harris, Henderson, Henry, Holmes, Houston, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kercheval, Kerr, Logan, Lincoln, Marshall, Maus, McCutchen, McMillan, McWilliams, Menard, Moore, Morgan, Murphy of Perry, Nance, Otwell, Pace, Phillips, Rawalt, Read, Roberts, Roman, Simms, George Smith, Robert Smith, Stapp, Starr, Thomas

of McLean, Thomas of St. Clair, Turney, Walker of Fulton, Walker of Vermilion, Webb, Williamson, Wood, Zimmerman, and Mr. Speaker —77.

Those voting in the negative, are,

Messrs. Baker, Dubois, Dunn, and Williams—4.

Mr. Edwards demanded a further division of the question, so as to take the first on the second proposition in said resolutions; and the question being taken on agreeing to the second proposition,

It was decided in the affirmative by yeas and nays as follows, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Greene, Archer, Baker, Bowman, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Gilham, Hardin, Harlan, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Marshall, McCutchen, McMillan, Menard, Otwell, Phillips, Rawalt, Read, Roberts, George Smith, Stapp, Starr, Thomas of McLean, Walker of Fulton, Webb and Williams—42.

Those who voted in the negative, are,

Messrs. Able, Brown, Carpenter, Churchill, Cloud, Crain, Daley, Edmonson, English, Ficklin, Fisk, Foster, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Kercheval, Logan, Maus, McWilliams, Moore, Morgan, Murphy of Perry, Nance, Pace, Roman, Simms, Robert Smith, Thomas of St. Clair, Turney, Walker of Vermilion, Williamson, Wood, Zimmerman and Speaker—37.

The question was then taken on the last branch or proposition in the resolutions, and decided in the affirmative by yeas and nays as follows, viz:

Those voting in the affirmative, are,

Messrs. Aldrich, Archer, Baker, Bowman, Brown, Cloud, Craig, Crain, Cunningham, Dawson, Dubois, Dunn, Edmonson, Edwards, Elliott, Elkin, Emmerson, Ficklin, Fisk, Foster, Gilham, Green of Clay, Happy, Hardin, Harlan, Harris, Henry, Holmes, Huey, Hull, Jarrott, Johnson, Jones, Kercheval, Kerr, Lincoln, Marshall, McCutchen, McMillan, Menard, Morgan, Murphy of Perry, Pace, Phillips, Rawalt, Read, Roberts, George Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Webb and Williamson—56.

Those who voted in the negative, are,

Messrs. Able, Allen of Greene, Carpenter, Churchill, Daley, English, Green of Greene, Hankins, Houston, Kent, Logan, Maus, McWilliams, Moore, Nance, Otwell, Roman, Simms, Robert Smith, Turney, Williams, Wood, Zimmerman and Speaker—24.

Mr. Lincoln from the select committee, to which was referred a bill for "An act to authorize the Collector of county to collect certain taxes therein named;" reported the same back to the House with an amendment.

On motion of Mr. Kent,

The report of the committee was amended by adding the following as an additional section, viz:

"The Collector of Ogle county is hereby authorized to collect the taxes for the year 1839, from the citizens of Lee county, which constitutes a part of the county of Ogle, (at the time of assessment of the county of Ogle,) shall be considered a full compensation to said Ogle county, for

county expenditures incurred previous to the formation of the county of Lee from the county of Ogle; when,

The report of the select committee as amended was concurred in.

Mr. Walker of Vermilion moved to amend the amendment by adding the following as an additional section, viz:

"Sec. That within one month after the passage of this act, the Treasurer of the Board of Canal Commissioners of the Illinois and Michigan Canal shall be required to reside at Lockport, in the county of Will;" which was not agreed to; when the bill was

Ordered to be engrossed for a third reading.

An Engrossed bill for "An act, making additional appropriations for the years 1839 and 40;" was read a third time.

Mr. Edwards moved to amend the bill by striking out an appropriation of $375 to William Walters for the sale of one hundred and fifty copies of the Reports of the decisions of the Supreme Court, to the Secretary of State; which was decided in the negative by yeas and nays as follows, viz:

Those who voted in the affirmative, are,

Messrs. Allen of Greene, Archer, Carpenter, Craig, Crain, Cunningham, Dawson, Dubois, Edwards, Elliott, Elkin, Emmerson, Ficklin, Gilham, Green of Greene, Hankins, Hardin, Henry, Holmes, Jarrott, Johnson, Jones, Kent, Kercheval, McMillan, McWilliams, Nance, Otwell, Phillips, Rawalt, Roman, George Smith, Stapp, Starr, Turney, Walker of Fulton, Walker of Vermilion, Webb and Williamson—39.

Those who voted in the negative, are,

Messrs. Able, Brown, Churchill, Cloud, Daley, Edmonson, English, Fisk, Foster, Happy, Harlan, Harris, Henderson, Houston, Huey, Hull, Kerr, McCutchen, Moore, Murphy of Perry, Pace, Read, Robert Smith, Thomas of McLean, Wood, Zimmerman, and Mr. Speaker—27.

Two-thirds not voting in the affirmative, the amendment was lost.

Mr. Jarrott moved the previous question; which was sustained by the House.

There being no quorum present,

The House adjourned.

WEDNESDAY, January 29, 1840.

House met pursuant to adjournment.

Mr. Webb from the joint Judiciary committee, appointed to examine into all contracts made for the sale of State Bonds on account of the Illinois and Michigan Canal, &c., made the following report, viz:

The committees on the Judiciary of the Senate and of the House of Representatives, appointed a joint committee on the part of the two Houses, (among other things,) "to examine all contracts made for the sale of State Bonds, on account of the Illinois and Michigan canal, and report whether they have been made in conformity with law, and whether the State is or is not bound thereby," REPORT:

That in the further discharge of the duty imposed upon them by the two Houses, they have given said contracts all the consideration which the amount of money involved in them, and their influence on the honor and credit of the State, demands.

Your committees are of opinion that but three of those contracts are objectionable, and require their consideration, viz: The contract made April 23, 1839, between Gen. M. M. Rawlings and the Hon. John Reynolds, agents of the State of Illinois, and John Delafield of the State of New York, which is substantially as follows: The agents sell to Delafield three hundred bonds of $1000 each, bearing interest at 6 per cent. per annum, payable half yearly at Philadelphia or New York, and the principal reimbursable at either place, at the pleasure of the State, after the year 1860; and the agents agree that the interest on the bonds shall commence from their delivery on the 10th June, 1839. Said Delafield agrees to pay for the bonds, $300,000, as follows: within fifteen days after the delivery of the bonds (say 25th June, 1839,) he will place to the credit of M. M. Rawlings, Fund Commissioner, $50,000, in the New York Banking Company, subject to be drawn for by drafts on said Banking Company, at not less than ten days sight: He will pay at New York to the State on the 1st August, 1839, $50,000, in notes of some bank or banking association of the city of New York, of a denomination not exceeding $10. And that in the manner and at the place last mentioned he will pay $50,000 on the 1st October, 1839, $50,000 on the 1st November, 1839, and the remaining $50,000 on the 1st January, 1840.

The contract made April 29, 1839, between the same agents on the part of the State of Illinois, and Thomas Dunlap, (the performance on the part of Dunlap, guaranteed by the U. S. Bank,) is substantially as follows: The agents sell to Dunlap 1,000 bonds of £225 each, interest on the bonds payable annually, at 6 per cent., and to commence on the 1st July, 1839, the bonds reimbursable on the 1st July, 1870, and both principal ("at the rate of 4*s.* 6*d.* sterling to the dollar,") and interest payable in London. Dunlap agrees to pay for the bonds $1,000,000 in ten equal instalments of $100,000, monthly; the payments to be made without interest in $10 notes, of the United States Bank; such notes to be disbursed on the Public Works of Illinois, in actual payments. The bonds were to be delivered within forty days from the date of the contract, and the first payment to be made on the delivery of the bonds. And the contract made on the 30th October, 1839, between the Hon. Richard M. Young and the Hon. John Reynolds, agents of the State of Illinois, and Messrs. John Wright & Co., of London, is substantially as follows: Messrs. Young and Reynolds delivered to Wright Co. 1,000 bonds of £225 each, the principal payable in London in 1870, and the interest payable also in London annually, at six per cent. They authorize Wright & Co. to sell or negotiate the bonds so deposited with them at a rate not less than £91 for the £100. If more than ninety-one per cent. can be had for the bonds, the surplus not exceeding four per cent., is to be retained by Wright & Co. as commissioners; and if more than ninety-five per cent. is to be had for the bonds, the excess is to be divided between the State of Illinois and Wright & Co.; and Wright & Co. agree to *advance* the State of Illinois £30,000 on the bonds so deposited with them.

The law under which these contracts have been made, expressly requires that the bonds should not be sold for less than their par value, and does not authorize or contemplate that the State should be compelled to receive payment in local bank notes, or any thing else than money.

And in the opinion of your committees the law has been violated in the contract with Delafield; for it is preposterous to say that the sale has been made at par, when the State is required to pay interest from the 10th June, 1839, on the bonds sold, and does not receive the consideration money, except in instalments, payable at such distant days as to involve a loss (interest paid on the bonds) of near $5000. And is moreover bound to receive in payment the small bills of local banks or banking associations, whether such bills should be at par or not.

Your committees are constrained to say that the contract made with Dunlap (and guaranteed by the U. S. Bank) is still more objectionable, and more glaringly a departure from the letter and spirit of the law. The parties making this contract call it a sale of one *million dollars* of the Illinois and Michigan canal stock, and say also that the bonds are reimbursable by the State "both principal (at the rate of 4*s*. 6*d*. sterling to the dollar) and interest, payable in London." It is difficult to say why they called this a sale of *one million dollars* of canal stock, when it was in fact a sale of £225,000, which your committees believe and will endeavor to show, is a greater sum than one million dollars. And it is still more difficult to imagine what the agents of the State mean by that clause in the contract placed in brackets, which says, the principal shall be reimbursable ("at the rate of 4*s*. 6*d*. sterling to the dollar,") when neither that clause, nor any thing else in the contract, nor on the face of the bonds, authorize or permit the State of Illinois to pay either principal or interest, otherwise than in the legal coin of Great Britain.

To say that Illinois bonds payable in pounds sterling at London, shall be reimbursable at the rate of 4*s*. 6*d*. sterling, to the dollar, is absurd, as it does not authorize the payment to be made *in* dollars at *any* value; and in England, where dollars are only regarded as merchandize, they serve no purpose as a measure of value. It is as absurd to say that a bond for £225 may be paid in England at the rate of 4*s*. 6*d*. sterling to the dollar, as it would be to say, that a bond for $100 may be paid in Illinois at the rate of one dollar to the 4*s*. 6*d*. sterling: the maker would still have to pay £225 in the first instance, and $100 in the latter, to discharge his bond.

The assumption that the pound sterling is equal to $4 44 is not true; for although it is a money of account neither tangible nor to be weighed, (being in that respect like the *mill* or one tenth part of a cent in the currency of the United States,) its value is as fixed as that of any coin, and indeed is precisely the same as that of the British sovereign when the latter is of full weight. And in the opinion of your committees this contract contains within itself the elements of manifest proof that all sales of our sterling bonds, in which the £ has been arbitrarily and unnecessarily assumed to be worth but $4 44, are in barefaced violation of the law, which requires the sales should not be made under par. For instance: Our agents sold to Dunlap one thousand bonds of £225 each, by which they bound the State of Illinois to pay in London, in British coin, a sum amounting precisely to 225,000 British sovereigns. They receive on behalf of the State, in return $1,000,000, in United States Bank notes.—Suppose they had immediately presented the notes at the counter of the United States Bank for redemption in specie. By a law of Congress, sovereigns are a legal tender by weight, and their value as a legal tender may be safely assumed at $4 85 each; and thus the United States Bank

could have redeemed her $1,000,000 of notes, (to procure which the agents of the State of Illinois have pledged her faith to pay a sum precisely equal to 225,000 sovereigns,) with 206,185 sovereigns eleven shillings and two pence—thus realizing a gain to the bank (or Dunlap) and a loss to the State of $18,314 sovereigns eight shillings and ten pence, or $91,250 34 cents.

There are two other objections to this contract similar to those urged against the contract made with Delafield, viz: the State pays interest on the bonds from 1st July, 1839, and was not to receive a large portion of the funds which they were sold for, many months after that time, thus involving a considerable loss in interest paid on the bonds; and as if this contract were reserved to demonstrate the folly or madness of such agreements, before half the amount of the sale was realized by the State, the local bank bills in which she was bound to receive the consideration for her plighted faith, depreciated more than ten per cent.—and still the State was required to disburse these bills in actual payments to the sun-burnt laborers on her public woaks.

The third and last contract which your committees are bound to notice is that of the 30th October, 1839, between Messrs. Young and Reynolds, agents of the State of Illinois, and Wright & Co. of London. And your committees feel relieved from the necessity of much labor in its examination, as it has already been examined at large by a committee of the House of Representatives, and their report has been furnished for the use of members of both Houses. It is sufficient for your committees to observe here, that the contract does not purport to have been a sale; and that although the agents had authority to hypothecate the bonds, yet, when they authorized Wright & Co. to sell or negotiate the bonds at ninety-one per cent. they acted without warrant of law, and their authority was void.

Your committees cannot conclude this report without expressing their disapprobiation of the manner and the terms upon which a large majority of State Bonds for internal improvement and canal purposes have been sold; and they regret that the anxiety of the State's agents to procure money for the State, or their eagerness to succeed in effecting sales where others had failed, should induce them to enter into contracts injurious to the best interests of the State, derogatory to her dignity, and in every way calculated to depreciate her securities.

Her bonds have been sold to citizens of New York, it would almost seem, for the express purpose of being used in their free banking operations, and upon such credit and such terms as permitted the payment to be made in free bank issues, based upon the bonds themselves—the State in the mean while paying interest for the privilege of furnishing the basis.

Others have been sold and the consideration agreed to be received in local bank bills, at a point so distant from their place of redemption, that they must necessarily be at a discount when received. And others have been sold so glaringly at a discount, that the miserable verbiage of "exchange," "par of exchange," "the then par of exchange," which would appear to have been used in the contracts to cover up the fact, has but poorly answered the purpose.

As the contracts with Delafield and with Dunlap are nearly completed' your committees recommend for adoption the following resolutions:

Resolved by the General Assembly of the State of Illinois, That we highly disapprove of those sales of the State Bonds, in which the State has been required to receive in payment local bank bills, or any funds other than the legal currency of the country; and that in an equal degree we disapprove of those sales made on a credit, in which the State has been bound to pay interest on the bonds before the receipt of the consideration for which they were sold.

Resolved, That the authority given by R. M. Young and J. Reynolds, agents of the State of Illinois, authorizing John Wright & Co. to sell or negotiate Illinois State Bonds at £91 per cent., was in direct contravention of the laws of Illinois. That said agents, in granting such authority, transcended the powers vested in them by the State, and that any such sale or negotiation will be and is void.

Resolved, That the Secretary of State be directed to forward by mail a copy of the foregoing resolutions to Messrs. John Wright & Co. Bankers, Covent Garden, London.

On motion of Mr. Webb,

The report of the committee was laid on the table.

Mr. Webb moved that one thousand copies of said report be printed; which was not agreed to.

Mr. Carpenter moved that twelve hundred copies be printed.

On motion of Mr. Webb,

The vote taking on laying the report of the committee on the table was reconsidered.

Mr. Moore moved to lay the report of the committee on the table, which was decided in the negative by yeas and nays as follows, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Archer, Churchill, Edmonson, Elkin, English, Foster, Green of Clay, Harlan, Henderson, Hull, Kercheval, Logan, Lincoln, Maus, McCormick, McWilliams, Moore, Murphy of Cook, Murphy of Perry, Nance, Naper, Rawalt, George Smith, Robert Smith, Thomas of McLean, Turney, Walker of Vermilion, Williamson, Wood, Zimmerman and Speaker—32.

Those who voted in the negative, are,

Messrs. Able, Allen of Greene, Baker, Bowman, Brown, Carpenter, Cloud, Craig, Crain, Cunningham, Daley, Dawson, Dubois, Dunn, Edwards, Elliott, Emmerson, Ficklin, Fisk, Gilham, Green of Greene, Hankins, Happy, Hardin, Harris, Henry, Holmes, Houston, Huey, Jarrott, Johnson, Jones, Kent, Kerr, Lyons, Marshall, McCutchen, McMillan, Menard, Morgan, Otwell, Pace, Phillips, Read, Roberts, Roman, Simms, Stapp, Starr, Thomas of St. Clair, Walker of Fulton, Webb and Williams, —53.

Mr. McCutchen moved to amend the resolutions reported by the committee by striking out all after the word "Resolved," and insert the following, viz:

"That notwithstanding the opinion of the committee as set forth in the foregoing report, it is expedient, and the interest of the State requires at this time, a confirmation of the contracts mentioned in said report, and that the same be hereby ratified and confirmed."

Mr. Webb moved to lay the amendment on the table, which was agreed to, by yeas and nays as follows, viz:

Those voting in the affirmative, are,

Messrs. Able, Baker, Bowman, Brown, Carpenter, Cloud, Craig, Crain, Cunningham, Daley, Dubois, Dunn, Edwards, Elliott, Emmerson, Ficklin, Fisk, Foster, Gilham, Green of Greene, Hankins, Happy, Hardin, Harris, Henry, Holmes, Houston, Huey, Jarrott, Johnson, Jones, Kent, Kerr, Marshall, McMillan, Menard. Morgan, Nance, Otwell, Pace, Phillips, Rawalt, Read, Roberts, Roman, Simms, George Smith, Stapp, Turney, Walker of Fulton, Webb and Williams—52.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Greene, Archer, Churchill, Dawson, Edmonson, Elkin, English, Green of Clay, Harlan, Henderson, Hull, Kerchival, Logan, Lincoln, Lyons, Maus, McCormick, McCutchen, McWilliams, Moore, Murphy of Cook, Murphy of Perry, Naper, Robert Smith, Starr, Thomas of McLean, Thomas of St. Clair, Walker of Vermilion, Williamson, Wood, Zimmerman and Speaker—33.

Mr. Happy demanded a division of the question so as to take the vote on the first resolution.

Mr. Marshall demanded a further division of the question so as first to take the vote on the first clause of the first resolution.

The question was then taken on agreeing to the first clause of the first resolution, and decided in the affirmative by yeas and nays as follows, viz:

Those who voted in the affirmative, are,

Messrs. Able, Allen of Greene, Baker, Bowman, Brown, Carpenter, Craig, Crain, Cunningham, Daley, Dawson, Dubois, Dunn, Edmonson, Edwards, Elliott, Emmerson, English, Ficklin, Fisk, Green of Clay, Green of Greene, Hankins, Happy, Hardin, Harlan, Harris, Henry, Holmes, Houston, Huey, Jarrott, Johnson, Jones, Kent, Kercheval, Kerr, Lyons, Maus, McMillan, McWilliams, Menard, Moore, Morgan, Murphy of Perry, Nance, Otwell, Pace, Phillips, Rawalt, Read, Roberts, Roman, Simms, Robert Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Fulton, Walker of Vermilion, Webb, Williams, Williamson and Speaker—67.

Those who voted in the negative, are,

Messrs. Aldrich, Archer, Churchill, Elkin, Foster, Gilham, Henderson, Hull, Lincoln, Marshall, McCormick, McCutchen, Murphy of Cook, Naper, George Smith, Wood and Zimmerman—17.

The question was then taken on agreeing to the last clause of the first resolution, and decided in the affirmative by yeas and nays as follows, viz:

Those who voted in the affirmative, are,

Messrs. Able, Allen of Greene, Archer, Baker, Bowman, Brown, Carpenter, Cloud, Craig, Crain, Cunningham, Daley, Dawson, Dubois, Dunn, Edmonson, Edwards, Elliott, Elkin, Emmerson, English, Ficklin, Fish, Foster, Gilham, Green of Clay, Green of Greene, Hankins, Happy, Hardin, Harlan, Harris, Henry, Holmes, Houston, Huey, Jarrott, Johnson, Jones, Kent, Kerr, Lyons, Marshall, Maus, McCormick, McCutchen, McMillan, McWilliams, Menard, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Otwell, Pace, Phillips, Rawalt, Read, Roberts, Roman, Simms, George Smith, Robert Smith, Stapp, Starr, Thomas of Mc-

Lean, Thomas of St. Clair, Turney, Walker of Fulton, Walker of Vermilion, Webb, Williams, Williamson, Wood and Speaker—76.

Those who voted in the negative, are,

Messrs. Aldrich, Churchill, Henderson, Hull, Kercheval, Lincoln, Naper and Zimmerman—8.

Mr. Murphy of Cook, demanded a further division of the question so as to take the vote on the second and last resolution separately.

The question was then taken on agreeing to the second resolution, and decided in the affirmative by yeas and nays as follows, viz:

Those voting in the affirmative, are,

Messrs. Able, Archer, Baker, Bowman, Brown, Carpenter, Cloud, Craig, Crain, Cunningham, Dawson, Dubois, Edwards, Elliott, Emmerson, Ficklin, Fisk, Hankins, Hardin, Harlan, Harris, Henry, Holmes, Houston, Huey, Jarrott, Johnson, Kent, Kerr, Lyons, Marshall, McCormick, McCutchen, McMillan, Menard, Morgan, Nance, Otwell, Pace, Phillips, Rawalt, Read, Roberts, Roman, Simms, George Smith, Stapp, Starr, Thomas of St. Clair, Turney, Walker of Fulton, Webb and Williams, —54.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Greene, Churchill, Daley, Edmonson, Elkin, English, Foster, Gilham, Green of Clay, Green of Greene, Happy, Henderson, Hull, Kercheval, Logan, Lincoln, Maus, McWilliams, Moore, Murphy of Cook, Murphy of Perry, Naper, Robert Smith, Thomas of McLean, Walker of Vermilion, Williamson, Wood, Zimmerman and Speaker—30.

The question was then taken on agreeing to the third resolution, and decided in the affirmative by yeas and nays as follows, viz:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Bowman, Brown, Carpenter, Cloud, Craig, Cunningham, Dawson, Dubois, Edwards, Elliott, Elkin, Emmerson, Ficklin, Fisk, Gilham, Hardin, Harlan, Harris, Henry, Holmes, Houston, Huey, Jarrott, Johnson, Jones, Kent, Kerr, Lyons, Marshall, McCormick, McCutchen, McMillan, Menard, Morgan, Nance, Otwell, Pace, Phillips, Rawalt, Read, Roberts, Roman, Simms, George Smith, Stapp, Starr, Thomas of St. Clair, Turney, Walker of Fulton, Webb and Williams—53.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Greene, Churchill, Crain, Daley, Edmonson, English, Foster, Green of Clay, Green of Greene, Hankins, Happy, Henderson, Hull, Kercheval, Logan, Lincoln, Maus, McWilliams, Moore, Murphy of Cook, Murphy of Perry, Naper, Robert Smith, Thomas of McLean, Walker of Vermilion, Williamson, Wood, Zimmerman and Speaker—30.

A message from the Senate by Mr. Bond, their Secretary.

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of a bill for "An act in relation to the State Bank of Illinois," as amended by them, in which amendments they ask the concurrence of the House of Representatives.

A Senate bill for "An act to provide for the settlement of debts and liabilities incurred on account of Internal Improvements in the State of Illinois," coming up for consideration.

Mr. Robert Smith moved to amend the report of the Judiciary committee as follows, viz:

In 20th line of 1st section, after the word "State" insert "except it may be necessary to enable him to pay contractors for labor on the Public Works of this State."

Also, to amend by striking out the 10th section of the report, and insert the following as the 10th section:

"The Board of Commissioners of Public Works shall, in all cases where contractors are willing to abandon their contracts, cause a full and fair estimate to be made of all work done by said contractor or contractors, including back per centage, heretofore retained, and shall give a draft on the Fund Commissioner therefor. And in all cases where damages are claimed by any contractor or contractors in consequence of their contract being abandoned or suspended by order of the Board of Public Works, or by provision of law, the acting Commissioner is hereby authorized to adjust and settle said claim for damages, with said contractors, on equitable terms. And, provided the contractor and Commissioner cannot agree as to the amount of actual damages, the Commissioner and contractor shall each select one disinterested freeholder of the vicinity, who, with the resident or principal engineer of the circuit, after being sworn to faithfully and impartially discharge the duties incumbent on them as arbitrators, between the State and said contractor, shall proceed to examine into, and decide upon the amount, equitably and justly due said contractor, and their decision shall be final in the matter. And the Commissioner shall issue a draft on the Fund Commissioner for the amount allowed by said arbitrators. And when any contractor shall have received a draft on the Fund Commissioner for his full estimate, including back per centage and damages, if any shall be awarded to him, as herein before provided, his contract shall be cancelled. The Board of Public Works shall also settle and adjust all dues and liabilities of every kind due and owing from the State, under the provisions of the act to establish and maintain a general system of Internal Improvements, approved 27th February, 1837; and the acts supplemental and amendatory thereto; and give drafts for the amount so settled and adjusted on the Fund Commisioner."

Also add to the 11th section of the report the following:

"And in all cases where the Fund Commissioner, in making payments on special drafts cannot pay off the whole amount of said drafts, it shall be lawful for him to endorse the amount paid on the back of said draft."

Mr. Zimmerman moved the previous question, which was sustained.

Mr. Elkin demanded a division of the question, so as first to take the vote on striking out, and inserting.

The question being taken on striking out, it was decided in the negative by yeas and nays as follows, viz:

Those who voted in the affirmative, are,

Messrs. Able, Aldrich, Allen of Greene, Churchill, Crain, Edmonson, English, Fisk, Foster, Green of Clay, Hankins, Happy, Houston, Huey, Kent, Kercheval, Logan, Marshall, Maus, McCormick, McWilliams, Moore, Murphy of Cook, Murphy of Perry, Nance, Naper, Rawalt, Robert Smith, Starr, Thomas of McLean, Turney, Williamson, Wood, Zimmerman and Mr. Speaker—35.

Those who voted in the negative, are,

Messrs. Archer, Baker, Bowman, Brown, Carpenter, Cloud, Craig, Cunningham, Daley, Dawson, Dubois, Edwards, Elliott, Elkin, Emmerson, Ficklin, Gilham, Green of Greene, Hardin, Harlan, Harris, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kerr, McCutchen, McMillan, Menard, Morgan, Otwell, Pace, Phillips, Read, Roberts, Roman, Simms, George Smith, Stapp, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Webb and Williams—47.

The question was then taken on agreeing to the proposed amendment of Mr. Robert Smith, to the first section of the report of the Judiciary committee, and decided in the affirmative.

The question was then taken on Mr. Robert Smith's amendment to the 11th section of the report of the Judiciary committee, and decided in the affirmative.

On motion of Mr. Henry,

The vote on agreeing to the amendment to the 1st section of the report of the committee was reconsidered.

Mr. Smith moved to reconsider the vote on ordering the main question, which was not agreed to.

The question was then taken on agreeing to the amendment offered by Mr. Robert Smith to the 1st section of the report of the committee, and decided in the negative by yeas and nays as follows, viz:

Those voting in the affirmative, are,

Messrs. Able, Aldrich, Archer, Allen of Greene, Churchill, Craig, Crain, Edmonson, Elkin, Foster, Greene of Clay, Hankins, Harlan, Huey, Kent, Kercheval, Maus, McCormick, McMillan, Moore, Murphy of Cook, Murphy of Perry, Naper, Rawalt, George Smith, Robert Smith, Thomas of McLean, Turney, Walker of Vermilion, Williamson, Wood, Zimmerman, and Mr. Speaker—33.

Those voting in the negative, are,

Messrs. Baker, Bowman, Brown, Carpenter, Cloud, Cunningham, Daley, Dawson, Dubois, Edwards, Elliott, Emmerson, English, Ficklin, Fisk, Gilham, Green of Greene, Happy, Hardin, Harris, Henderson, Henry, Holmes, Houston, Jarrott, Johnson, Jones, Kerr, Msrshall, McCutchen, McWilliams, Menard, Morgan, Nance, Otwell, Pace, Phillips, Read, Roberts, Roman, Simms, Stapp, Starr, Thomas of St. Clair, Walker of Fulton, Webb, and Williams—47.

The report of the committee as amended, was then concurred in by the House, and the bill

Ordered to a third reading.

Mr. Williams from the committee on Finance, to which was referred a Senate bill for "An act providing for the binding of the laws and Journals;" reported the same back to the House without amendment, when the bill was

Ordered to a third reading; and

On motion of Mr. Henry,

The rule of the House was dispensed with, and the bill now read a third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate of the concurrence of the House in the passage of said bill.

Mr. Crain from the committee on Engrossed Bills, reported as correct-

ly engrossed, a bill for "An act concerning the National Road in Illinois."

Mr. Marshall from the committee on the Judiciary, to which was referred a bill for "An act amendatory of an act concerning the public revinue, approved, February 26, 1839;" reported the same back, with an amendment, which was read and concurred in by the House, and the bill

Ordered to be engrossed for a third reading.

Mr. Ficklin from the committee on the Judiciary, to which was referred a Senate bill for "An act requiring School Commissioners to distribute school funds at the county seats;" reported the same back to the House without amendment, and

On motion of Mr. Menard,

The rule of the House was dispensed with, and the bill now read a third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. Turney from the committee on Internal Improvements, to which was referred the bill for "An act concerning appropriations therein named;" reported the same back to the House without amendment.

Whereupon, the bill was

Ordered to be engrossed for a third reading.

Mr. Hardin from the committee on Judiciary, to which was referred the bill for "An act to incorporate the town of Jacksonville;" reported the same back to the House with an amendment as a substitute for the original bill, when,

On motion,

The House adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

A call of the House was demanded, and the roll having been called over; on motion the further proceedings under the call were dispensed with.

The engrossed bill for "An act making additional appropriations for the years 1839 and '40;" coming up for consideration; and the question being on its passage;

It was decided in the negative, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Aldrich, Allen of Greene, Archer, Craig, Crain, Dawson Dunn, Elkin, Emmerson, Gilham, Green of Clay, Green of Greene, Happy, Hardin, Harlan, Henderson, Henry, Holmes, Houston, Huey, Hull, Jones, Kent, Lincoln, Marshall, Murphy of Cook, Pace, Phillips, Read, Webb, Williams, and Mr. Speaker—33.

Those voting in the negative, are,

Messrs. Baker, Brown, Carpenter, Churchill, Cunningham, Daley, Dubois, Edmonson, Edwards, Elliott, English, Ficklin, Fisk, Foster, Hankins, Harris, Jarrott, Johnson, Kercheval, Kerr, McCormick, McCutchen, McMillan, McVilliams, Moore, Murphy of Perry, Nance, Otwell, Rawalt, Simms, George Smith, Robert Smith, Stapp, Thomas of McLean, Turney, Walker of Fulton, Williamson, and Zimmerman—38.

Mr. Moore from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles, viz:

"An act to legalize the assessment of the revenue in the counties of Irrequois and, Clay, for the year 1839;"

"An act to extend the time for the location of State roads;"

"An act permanently to locate the seat of Justice of the county of De Kalb;"

The bill for "An act to provide for diminishing the expenses of the State;" was read the second time; when,

Mr. Dawson moved its reference to the committee on the Judiciary, which was not agreed to; and

On motion of Mr. Otwell,

The bill was laid on the table.

The bill for "An act to amend an act, entitled an act to establish the counties of Menard, Logan, and Dane, approved, February 15, 1839;" was read the second time; when,

Mr. Elkin moved to lay the bill on the table.

Which was decided in the negative, by ayes and noes as follows:

Those voting in the affirmative, are,

Messrs. Aldrich, Archer, Baker, Bowman, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Ficklin, Gilham, Hardin, Henry, Houston, Hull, Jarrott, Johnson, Jones, Kerr, Lincoln, Marshall, McCormick, McCutchen, McMillan, Otwell, Phillips, Rawalt, Read, Roberts, Roman, Stapp, Thomas of McLean, Webb, and Williams —33.

Those voting in the negative, are,

Messrs. Able, Allen of Greene, Brown, Carpenter, Churchill, Cloud, Crain, Daley, Edmonson, English, Fisk, Foster, Green of Clay, Green of Greene; Hankins, Happy, Harlan, Harris, Henderson, Holmes, Huey, Kercheval, Logan, Maus, McWilliams, Menard, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Pace, Simms, Robert Smith, Thomas of St. Clair, Turney, Walker of Fulton, Walker of Vermilion, Williamson, Wood, Zimmerman and Mr. Speaker—42.

Mr. Nance moved to amend the bill by adding the following:

"*Provided*, That the territory to be attached in this act, to the county of Menard, shall not be so attached, if a majority of the legal votes polled at an election, which is hereby ordered to be held on the last day of February, 1840, at the house of Henry Riggin, in the territory proposed to be attached by the first section of this act, shall be opposed to such attachment; but if a majority of all the votes polled be in favor of going to the county of Menard, then the territory shall be and form a part of Menard county. The election hereby provided for, shall be conducted, and notice given, in all respects like other elections. Judges for the same shall be elected from among the voters that may appear at the place and time aforesaid; all persons being resident on said territory entitled to vote at other elections shall be permitted to vote at said election, and returns of the same shall be made to the Clerks of the County Courts of Sangamon and Menard;"

Mr, Dawson moved that the bill and proposed amendment be indefinitely postponed, which was agreed to, by ayes and noes as follows:

Those voting in the affirmative, are,

Messrs. Aldrich, Archer, Baker, Bowman, Brown, Craig, Cunningham,

Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Ficklin, Gilham, Green of Greene, Happy, Hardin, Harlan, Harris, Henderson, Henry, Houston, Huey, Hull, Jarrott, Jones, Kent, Kercheval, Kerr, Logan, Lincoln, Marshall, McCormick, McCutchen, McMillan, Menard, Otwell, Phillips, Rawalt, Read, Roberts, Roman, George Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Walker of Vermilion, Webb, Williams, and Williamson—52.

Those voting in the negative, are,

Messrs. Able, Allen of Greene, Carpenter, Churchill, Cloud, Crain, Daley, Edmonson, English, Fisk, Foster, Green of Clay, Hankins, Holmes, Johnson, Maus, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Pace, Simms, Robert Smith, Turney, Walker of Fulton, Wood, Zimmerman, and Mr. Speaker—30.

The bill for "An act authorizing the purchase of a house for the use of the Governor;" was read the second time.

Mr. Maus moved the following amendment:

"Strike out $8,000 and insert $10,000.

Add to the section the following:

"*Provided*, The person of whom property may be purchased, in pursuance of this law, will take the house and lot in the town of Springfield, now owned by the State of Illinois, and occupied by Wm. Prentiss as a residence, and as a central Internal Improvement office, at $4,000 in part payment for said property, so to be purchased by the Auditor for the State of Illinois."

"Add Sec. — The Auditor of Public Accounts, is hereby authorized and empowered to execute a deed of conveyance in behalf of the State of Illinois, to the property of the State, described in the proviso to the — section of this act, and said deed shall vest in the person to whom the said deed may be executed, in fee simple, all the right, title, claim, and interest of said State, in said property so conveyed."

Mr. Rawalt moved that the bill and proposed amendments be indefinitely postponed; which was agreed to, by ayes and noes as follows:

Those voting in the affiirmative, are,

Messrs. Able, Aldrich, Bowman, Brown, Carpenter, Cloud, Craig, Crain, Cunningham, Daley, Dubois, Dunn, Edmonson, Elliott, Emmerson, Ficklin Fisk, Foster, Gilham, Green of Greene, Green of Clay, Hankins, Happy, Hardin, Harlan, Harris, Henry. Holmes, Houston, Hull, Huey, Jarrott, Johnson, Jones, Kercheval, Kerr, Marshall, McCutchen, McMillan, McWilliams, Moor, Murphy of Perry, Otwell, Pace, Rawalt, Read, Simms, Robert Smith, George Smith, Stapp, Thomas of Mc Lean, Thomas of St. Clair, Turney, Walker of Fulton, Williamson, Zimmerman, and Mr. Speaker —57.

Those voting in the negative, are,

Messrs. Allen of Greene, Archer, Baker, Churchill, Dawson, Edwards, Elkin, English, Henderson, Kent, Logan, Lincoln, Maus, McCormick, Menard, Morgan, Murphy of Cook, Nance, Phillips, Roberts, Roman, Walker of Vermilion, Webb, Williams, and Wood—25.

The bill for "An act to modify an act to establish and maintain a general system of Internal Improvements, approved, February 27, 1837;" was read the second time.

Mr. Logan moved to amend the bill by striking out the words "*one of*

said roads," in the eighth line from bottom of 3d section, and insert as follows:

"The Central Railroad, from Cairo to the Southern termination of the Illinois and Michigan Canal, the Northern Cross Railroad, from Meredocia to the Indiana State line, and the Great and Little Wabash, Illinois, Rock, Kaskaskia, and Big Muddy rivers, and the Alton and Shawneetown Railroad, from Alton to Equality."

Mr. Cunningham moved to amend the amendment by adding the following:

Strike out NorthernCross road,and insert "the Terre Haute, Shelbyviile, and Alton Railroad;" which was not agreed to.

Mr. Moore moved the previous question, which was sustained.

And the question being on agreeing to the proposed amendments, moved by Mr. Logan,

Mr. Lincoln demanded a division of the question, so as first to take the vote on striking out.

And on striking out, it was decided in the affirmative, by ayes and noes, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Aldrich, Archer, Brown, Carpenter, Craig, Crain, Dawson, Dubois, Dunn, Ficklin, Fisk, Foster, Gilham, Green of Clay, Hankins, Hardin, Harlan, Harris, Henderson, Holmes, Houston, Huey, Hull, Jarrott, Johnson, Kercheval, Logan, Marshall, Maus, McCormick, Moore, Morgan, Murphy of Perry, Pace, Roman, Stapp, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Fulton, Walker of Vermilion, Williamson, Wood, Zimmerman and Mr. Speaker—46.

Those who voted in the negative. are,

Messrs. Allen of Greene, Baker, Bowman, Churchill, Cloud, Cunningham, Daley, Edmondson, Edwards, Elliott, Elkin, Emmerson, English, Green of Greene, Happy, Henry, Jones, Kent, Kerr, Lincoln, McCutchen, McMillan, McWilliams, Menard, Murphy of Cook, Nance, Naper, Otwell, Phillips, Rawalt, Reed, Roberts, Simms, Robert Smith, George Smith, and Williams—36.

And the question then recurring on inserting the proposed amendment,

It was decided in the negative by ayes and noes, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Aldrich, Churchill, Craig, Crain, Dawson, Dunn, Elkin, Foster, Green of Clay, Hull, Kent, Kercheval, Logan, Lincoln, Marshall, Maus, McCormick, Moore, Murphy of Cook, Murphy of Perry, Naper, Reed, Thomas of McLean, Walker of Vermilion, Williamson, Wood, Zimmerman and Mr. Speaker—29.

Those who voted in the negative, are,

Messrs. Allen of Greene, Archer, Baker, Bowman, Brown, Carpenter, Cloud, Cunningham, Daley, Dubois, Edmondson Edwards, Elliot, Emmerson, English, Ficklin, Fisk, Gilham, Green of Greene, Hankins, Happy, Hardin, Harlan, Harris, Henderson, Henry, Holmes, Houston, Huey, Jarrott, Johnson, Jones, Kerr, McCutchen, McMillan, McWilliams, Menard, Morgan, Nance, Otwell, Pace, Phillips, Rawalt, Roberts, Roman, Simms, Robert Smith, George Smith, Stapp, Thomas of St. Clair, Turney, Walker of Fulton, and Williams—53.

And on ordering the bill to be engrossed for a third reading, it was decided in the negative.

The bill for "An act in relation to the State Bank of Illinois," with the Senate's amendment thereto, coming up for consideration,

Mr. Hardin moved to amend the tenth article of the first section, by inserting in lieu thereof, the following:

"The Branch of said Bank, located at Jacksonville, shall not be removed without the consent of the General Assembly of the State of Illinois."

Mr. Thomas of McLean, moved to lay the proposed amendment on the table.

Which was not agreed to, by ayes and noes, as follows:

Those who voted in the affirmative, are,

Messrs. Aldrich, Archer, Bowman, Brown, Carpenter, Churchill, Crain, Cunningham, Daley, Dunn, Edmondson, Emmerson, Ficklin, Fisk, Green of Clay, Green of Greene, Hankins, Harlan, Harris, Houston, Huey, Hull, Johnson, Logan, Maus, Menard, Moore, Murphy of Cook, Murphy of Perry, Naper, Otwell, Pace, George Smith, Robert Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Walker of Vermilion, Williamson, Wood and Zimmerman—41.

Those who voted in the negative, are,

Messrs. Able, Allen of Greene, Baker, Cloud, Craig, Dawson, Dubois, Edwards, Elliott, Elkin, English, Foster, Gilham, Happy, Hardin, Henderson, Henry, Holmes, Jarrott, Jones, Kent, Kercheval, Kerr, Lincoln, Marshall, McCormick, McCutchen, McMillan, McWilliams, Morgan, Nance, Phillips, Rawalt, Read, Roberts, Roman, Simms, Turney, Walker of Fulton, Webb, Williams and Mr. Speaker—42.

Mr. Happy moved to amend the proposed amendment, by adding the following:

"That no member of the General Assembly shall be a director, agent, or attorney, of the parent bank or its branches.

"That no President, cashier, clerk or director, of the parent bank or branches, shall become indebted to said bank or branches, either on bills of discount or exchange in a greater sum than ten thousand dollars."

Mr. Webb moved the previous question, which was sustained.

And on agreeing to the proposed amendment offered by Mr. Happy, it was decided in the affirmative, by ayes and noes, as follows:

Those who voted in the affirmative, are,

Messrs. Allen of Greene, Archer, Brown, Carpenter, Churchill, Cloud, Crain, Cunningham, Daley, Edmondson, English, Ficklin, Fisk, Foster, Green of Clay, Green of Greene, Hankins, Happy, Harlan, Harris, Houston, Huey, Kercheval, Maus, McCormick, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Otwell, Pace, Rawalt, Roman, Simms, Robert Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Vermilion, Williamson, Wood, Zimmerman and Mr. Speaker—47.

Those voting in the negative, are,

Messrs. Able, Aldrich, Baker, Bowman, Craig, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Logan, Lincoln, Mar-

shall, McCutchen, McMillan, Menard, Phillips, Read, Roberts, George Smith, Walker of Fulton, Webb and Williams—36.

And on agreeing to the amendment, as amended,

It was decided in the affirmative by ayes and noes, as follows:

Those voting in the affirmative, are,

Messrs. Allen of Greene, Archer, Baker, Brown, Churchill, Cloud, Crain, Daley, Edmondson, Edwards, English, Fisk, Foster, Gilham, Green of Greene, Hankins, Happy, Hardin, Harris, Henderson. Houston, Johnson, Kercheval, Maus, McCormick, McCutchen, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Otwell, Simms, Robert Smith, Turney, Walker of Vermilion, Webb, Wood, Zimmerman and Mr. Speaker—42.

Those voting in the negative, are,

Messrs. Able, Aldrich, Bowman, Carpenter, Craig, Cunningham, Dawson, Dubois, Dunn, Elliott, Elkin, Emmerson, Ficklin, Green of Clay, Harlan, Henry, Holmes, Huey, Hull, Jarrott, Jones, Kent, Kerr, Logan, Lincoln, Marshall, McMillan, Menard, Pace, Phillips, Rawalt, Read, Roberts, Roman, George Smith, Stapp, Thomas of St. Clair, Thomas of McLean, Walker of Fulton, Williams and Williamson—41.

On motion of Mr. Hardin,

The vote last taken was re-considered, and

On motion of Mr. Webb,

The vote taken on agreeing to the amendment proposed by Mr. Happy, was re-considered; when

Mr. Happy withdrew his proposed amendment.

The question then recurring on agreeing to the amendment proposed by Mr. Hardin,

It was decided in the negative, by ayes and noes, as follows:

Those who voted in the affirmative, are.

Messrs. Allen of Greene, Baker, Cloud, Craig, Dawson, Dunn, Edwards, Elkin, Gilham, Happy, Hardin, Henderson, Henry, Jarrott, Johnson, Jones, Kerr, Lincoln, Marshall, McWilliams, Rawalt, Reed, Roberts, Simms, Walker of Fulton, Webb, Williams and Mr. Speaker—28.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Archer, Bowman, Brown, Carpenter, Churchill, Crain, Cunningham, Daley, Dubois, Edmondson, Elliott, Emmerson, English, Ficklin, Fisk, Foster, Green of Clay, Green of Greene, Hankins, Harlan, Harris, Holmes, Houston, Huey, Hull, Kent, Kercheval, Logan, Maus, McCormick, McCutchen, McMillan, Menard, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Otwell, Pace, Phillips, Roman, George Smith, Robert Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Vermilion, Williamson, Wood and Zimmerman—55.

And on concurring with the Senate in their amendments to the 8th article of the first section,

It was decided in the affirmative by ayes and noes, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Aldrich, Allen of Greene, Archer, Baker, Bowman, Craig, Cunningham, Dawson, Dunn, Edwards, Elkin, Emmerson, Ficklin, Gilham, Green of Clay, Hardin, Harlan, Henderson, Henry, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Logan, Lincoln, Marshall,

McCutchen, Menard, Read, Roberts, Roman, Simms, George Smith, Robert Smith, Stapp, Thomas of McLean, Walker of Fulton, Webb, Williams and Williamson—44.

Those who voted in the negative, are,

Messrs. Brown, Carpenter, Churchill, Cloud, Crain, Daley, Dubois, Edmonson, Elliott, English, Fisk, Foster, Green of Greene, Hankins, Happy, Harris, Holmes, Houston, Kercheval, Maus, McCormick, McMillan, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Otwell, Pace, Phillips, Rawalt, Thomas of St. Clair, Turney, Walker of Vermilion, Wood, Zimmerman and Mr. Speaker—39.

And on concurring with the Senate in their amendment to the 11th article of the first section; it was decided in the affirmative.

And on concurring with the Senate in their amendment, striking out the 10th article of the first section,

It was decided in the affirmative, by ayes and noes, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Aldrich, Archer, Bowman, Carpenter, Craig, Cunningham, Dawson, Dubois, Edmonson, Edwards, Elkin, Emmerson, Ficklin, Gilham, Green of Clay, Harlan, Harris, Henderson, Henry, Holmes, Huey, Hull, Jarrott, Johnston, Jones, Kent, Kercheval, Kerr, Logan, Lincoln, Marshall, McCutchen, McMillan, Menard, Morgan, Otwell, Pace, Phillips, Read, Roberts, Roman, Simms, George Smith, Robert Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Walker of Fulton and Williamson—50.

Those voting in the negative, are,

Messrs. Allen of Greene, Baker, Brown, Churchill, Cloud, Crain, Daley, Dunn, Elliott, English, Fisk, Foster, Green of Greene, Hankins, Happy, Hardin, Houston, Maus, McCormick, McWilliams, Moore, Murphy of Cook, Murphy of Perry, Nance, Naper, Rawalt, Walker of Vermilion, Webb, Williams, Wood, Zimmerman and Mr. Speaker—32.

And on concurring with the Senate in its amendment, requiring the removal of the Chicago Branch of the State Bank of Illinois,

It was decided in the affirmative, by ayes and noes, as follows:

Those voting in the affirmative, are,

Messrs. Aldrich, Bowman, Brown, Carpenter, Churchill, Craig, Cunningham, Dawson, Dubois, Dunn, Edmondson, Elliott, Emmerson, Ficklin, Gilham, Green of Clay, Harlan, Henderson, Henry, Holmes, Huey, Hull, Jarrott, Jones, Kent, Kercheval, Kerr, Logan, Lincoln, McCormick, McCutchen, McMillan, McWilliams, Menard, Morgan, Murphy of Perry, Otwell, Pace, Phillips, Read, Roman, Simms, Stapp, Thomas of McLean, Turney, Walker of Fulton and Williamson—47.

Those voting in the negative, are,

Messrs. Able, Allen of Greene, Archer, Baker, Cloud, Crain, Daley, Edwards, Elkin, English, Fisk, Foster, Green of Greene, Hankins, Happy, Hardin, Harris, Houston, Johnson, Marshall, Maus, Moore, Murphy of Cook, Nance, Naper, Rawalt, Roberts, George Smith, Robert Smith, Thomas of St. Clair, Walker of Vermilion, Webb, Williams, Wood, Zimmerman and Mr. Speaker—36.

Ordered, That the Clerk inform the Senate thereof.

A message from the Council of Revision, by Mr. Hubbard, Secretary to the Council:

Mr. Speaker: The Council of Revision have directed me to inform the House, that they have approved of bills of the following titles, viz:

"An act fixing the times of holding the Spring Terms of the Circuit Courts, in the counties of Coles and Champaign, and authorizing an additional term of the Circuit Court of Vermilion and Edgar counties;"

"An act in relation to Lusk creek;"

"An act to repeal an act incorporating the Northern Division of the American Bottom;"

"An act to re-locate parts of State roads in Fayette county."

A message from the Senate by Mr. Bond, their Secretary.

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have laid upon their table the report of the Committee on Internal Improvements, made to the Senate, and

Ordered one thousand copies to be printed for the use of the two Houses.

They have also amended the bill of the Senate for "An act to amend an act to authorize Henry W. Cleaveland to build a toll bridge across the Winnebago Swamp, approved February 19, 1839;" so as to obviate the objections of the Council of Revision thereto. They amend said bill by striking out the second section thereof, and have repassed the same. In the re-passage of which bill, as amended, they ask the concurrence of the House of Representatives.

They have concurred with them in the passage of a bill from the House of Representatives of the following title, viz:

"An act to establish a State Road in the counties of Cook and Lake," as amended by them; in which amendments they ask the concurrence of the House of Representatives. They amend the title of said bill by adding the words, "and for other purposes." In which amendment to the title of said bill, they ask the concurrence of the House of Representatives. When

On motion,

The House adjourned.

THURSDAY, January 30, 1840.

House met pursuant to adjournment.

On motion of Mr. Elkin,

The House dispensed with reading the Journals of yesterday.

Mr. Churchill from the select committee, to which was referred the bill for "An act, authorizing the Canal Commissioners to rectify a mistake in the sale of a Canal Lot in La Salle county," and a petition on the same subject, reported the same back to the House with an amendment; which was read and concurred in, and the bill as amended,

Ordered to be engrossed for a third reading.

Mr. Walker of Vermilion, from the select committee to which was referred a bill for "An act to modify the system of Internal Improvements;" reported the same back to the House with an amendment, as a substitute for the original bill; which was read.

Mr. Carpenter moved to amend the report of the select committee by striking out the words "upon one railroad only," and insert "the Central

Railroad, from the city of Cairo to the Southern termination of the Illinois and Michigan Canal."

Mr. Ficklin demanded a division of the question, on striking out and inserting.

Mr. Walker of Vermilion demanded a call of the House; and pending the call,

The Speaker laid before the House a communication from the President of the Board of Canal Commissioners; which was read, and with an accompanying report of Canal Commissioners in answer to a call of the House, was laid on the table.

Mr. Emmerson from the select committee, to which was referred a bill for "An act to authorize Samuel Leech to build a toll bridge across the Little Wabash river;" reported the same back to the House without amendment.

Whereupon, the bill was

Ordered to be engrossed for a third reading.

Mr. Marshall from the select committee, to which was referred the Senate bill for "An act to amend an act, entitled an act to prevent trespassing by cutting timber, approved February 27th, 1819;" reported the same back to the House with an amendment; which was concurred in, and the bill as amended,

Ordered to a third reading; and

On motion of Mr. Marshall,

The rules of the House were dispensed with, and the bill now read a third time by its title and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendments of the House.

On motion of Mr. Dubois,

The House re-considered its vote taken on yesterday, in the passage of the bill for "An act, making additional appropriations for the years 1839 and 1840;" when,

The door-keeper reported under the order for the call of the House; and

The House again resumed the consideration of the bill for "An act to modify the system of Internal Improvements."

Mr. Hardin moved to lay the bill and proposed amendment on the table; which was not agreed to by yeas and nays as follows:

Those voting in the affirmative, are,

Messrs. Allen of Greene, Brown, Cunningham, Daley, Dubois, Dunn, Edmonson, Emmerson, English, Ficklin, Fisk, Gilham, Green of Clay, Green of Greene, Happy, Hardin, Harlan, Harris, Henderson, Henry, Holmes, Houston, Jarrott, Jones, Kerr, McWilliams, Menard, Morgan, Nance, Otwell, Phillips, Simms, George Smith, Stapp, Starr, Walker of Fulton, Webb, and Williams—38.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Archer, Baker, Carpenter, Churchill, Cloud, Craig, Crain, Dawson, Edwards, Elliott, Elkin, Foster, Hankins, Huey, Hull, Johnson, Kent, Kercheval, Logan, Lincoln, Marshall, Maus, McCormick, McMillan, Moore, Murphy of Cook, Murphy of Perry, Pace, Rawalt, Read, Roberts, Roman, Robert Smith, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Vermilion, Williamson, Wood, Zimmerman and Mr. Speaker—43.

And the question recurring on striking out the words "upon one Railroad only" from the first section of the report of the committee,

It was decided in the affirmative by yeas and nays as follows:

Those voting in the affirmative, are,

Messrs. Able, Aldrich, Archer, Carpenter, Craig, Crain, Dubois, Edmonson, Emmerson, Ficklin, Foster, Green of Clay, Hankins, Harlan, Harris, Henderson, Henry, Holmes, Houston, Huey, Jarrott, Johnson, Kent, Logan, Marshall, Moore, Murphy of Perry, Naper, Pace, Phillips, Read, Roman, Simms, Stapp, Starr, Thomas of St. Clair, Walker of Fulton, Webb, Williams, Zimmerman and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Allen of Greene, Baker, Brown, Churchill, Cloud, Daley, Dawson, Dunn, Edwards, Elliott, Elkin, English, Fisk, Gilham, Green of Greene, Happy, Hardin, Hull, Jones, Kercheval, Kerr, Lincoln, Maus, McCormick, McCutchen, McMillan, McWilliams, Menard, Moore, Murphy of Cook, Nance, Otwell, Rawalt, Roberts, George Smith, Robert Smith, Thomas of McLean, Turney, Walker of Vermilion, Williamson and Wood—41.

And on filling the blank with the words "Central Railroad, from the city of Cairo to the Illinois river,"—

It was decided in the negative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Aldrich, Carpenter, Churchill, Craig, Crain, Daley, Foster, Green of Clay, Hankins, Henderson, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kercheval, Logan, Lincoln, Marshall, Maus, McCormick, Menard, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Read, Roman, Thomas of McLean, Thomas of St. Clair, Walker of Vermilion, Webb, Williamson, Wood, Zimmerman, and Mr. Speaker—40.

Those who voted in the negative, are,

Messrs. Allen of Greene, Archer, Baker, Brown, Cloud, Cunningham, Dawson, Dubois, Dunn, Edmonson, Edwards, Elliott, Elkin, Emmerson, English, Ficklin, Fisk, Gilham, Green of Greene, Happy, Hardin, Harlan, Harris, Henry, Holmes, Houston, Kerr, McCutchen, McMillan, McWilliams, Otwell, Phillips, Rawalt, Roberts, Simms, George Smith, Robert Smith, Stapp, Starr, Turney, Walker of Fulton, and Williams—43.

Mr. Daley moved to amend by striking out all the report of the select committee after the word that, and insert the following:

"An act entitled an act to establish and maintain a general system of Internal Improvements, approved February 27th, 1837, and all other acts supplemental or amendatory thereto, be and the same are hereby repealed.

Provided however, That all liabilities incurred under the provisions of the acts hereby repealed, shall not be affected by the passage of this act.

And it is further provided, That no money shall be paid for work hereafter done, until further provided by lay."

Mr. Fisk moved the previous question; which was sustained.

A division of the question being demanded, the vote was first taken on striking out all of the report of the select committee after the first word "that"—

And decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Allen of Greene, Archer, Brown, Carpenter, Cloud, Daley, Dubois, Edmonson, Elliott, Emmerson, English, Ficklin, Fisk, Gilham, Green of Greene, Hankins, Happy, Hardin, Harlan, Harris, Henderson, Henry, Houston, Jarrott, Jones, Kerr, McCutchen, McWilliams, Menard, Morgan, Nance, Otwell, Pace, Phillips, Roman, Simms, George Smith, Stapp, Starr, Thomas of St. Clair, Walker of Fulton, Webb, Williams and Mr. Speaker—44.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Baker, Churchill, Craig, Crain, Cunningham, Dunn, Edwards, Elkin, Foster, Green of Clay, Huey, Hull, Johnson, Kent, Kercheval, Logan, Lincoln, Marshall, Maus, McCormick, McMillan, Moore, Murphy of Cook, Murphy of Perry, Naper, Rawalt, Read, Roberts, Robert Smith, Thomas of McLean, Turney, Walker of Vermilion, Williamson, Wood, and Zimmerman—37.

And the question recurring on inserting the proposed amendment,

It was decided in the affirmative by yeas and nays as follows:

Those voting in the affirmative, are,

Messrs. Allen of Greene, Archer, Brown, Carpenter, Cloud, Daley, Dubois, Edmonson, Emmerson, English, Ficklin, Fisk, Gilham, Green of Greene, Happy, Hardin, Harlan, Harris, Henderson, Henry, Holmes, Houston, Jarrott, Jones, Kerr, McCutchen, McWilliams, Menard, Morgan, Murphy of Cook, Nance, Otwell, Pace, Phillips, Read, Roman, Simms, George Smith, Stapp, Starr, Thomas of St. Clair, Walker of Fulton, Webb and Williams—44.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Baker, Churchill, Craig, Crain, Cunningham, Dawson, Dunn, Edwards, Elliott, Elkin, Foster, Green of Clay, Hankins, Huey, Hull, Johnson, Kent, Kercheval, Logan, Lincoln, Marshall, Maus, McCormick, McMillan, Moore, Murphy of Perry, Naper, Rawalt, Roberts, Robert Smith, Thomas of McLean, Turney, Walker of Vermilion, Williamson, Wood, Zimmerman and Mr. Speaker—39.

And on concurring with the report of the select committee as amended,

It was decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Allen of Greene, Archer, Brown, Carpenter, Cloud, Daley, Dubois, Edmonson, Emmerson, English, Ficklin, Fisk, Gilham, Green of Greene, Happy, Hardin, Harlan, Harris, Henderson, Henry, Houston, Jarrott, Johnson, Jones, Kerr, McCutchen, McWilliams, Menard, Morgan, Nance, Otwell, Pace, Phillips, Read, Roman, Simms, George Smith, Stapp, Starr, Thomas of St. Clair, Walker of Fulton, Webb and Williams—43.

Those who voted in the negative, are,

Messrs. Able, Aldrich, Baker, Churchill, Craig, Crain, Cunningham, Dawson, Dunn, Edwards, Elliott, Elkin, Foster, Green of Clay, Hankins, Holmes, Huey, Hull, Kent, Kercheval, Logan, Lincoln, Marshall, Maus, McCormick, McMillan, Moore, Murphy of Perry, Naper, Rawalt, Roberts, Robert Smith, Thomas of McLean, Turney, Walker of Vermilion, Williamson, Wood, Zimmerman and Mr. Speaker—39.

When the bill as amended, was

Ordered to be engrossed and read a third time.

A message from the Senate, by Mr. Bond, their Secretary.

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have passed bills of the following titles, viz:

"An act to authorize Charles G. Thomas to keep a Ferry across the Mississippi river;"

"An act to incorporate the Galena Mining, Smelting and Hydraulic Company;"

"An act further to amend the several acts in relation to common schools;"

"An act to authorize Granvill H. Mathews to keep a Ferry across the Meredosia;"

A bill for "An act to incorporate the Benton Academy, in the county of Franklin;"

"An act legalizing the assessment of property in the county of Pope, in the year 1839, and authorizing the county of Johnson to assess the property therein for the same year;"

"An act in relation to the Recorder and Probate Justice of Peoria county;"

"An act to vacate and relocate a part of the State road leading from Rushville to Commerce;" and

"An act for a State road from Dixon, via Rockford, on the east side of Rock river to Beloit, &c."

In the passage of which said several bills, they ask the concurrence of House the of Representatives.

Mr. Turney, from the select committee, to which had been referred Senate bill for "An act to amend an act authorizing Samuel Witters to build a toll bridge across the Skillet Fork of the Little Wabash river;" reported the same back to the House without amendment; and the bill was *Ordered* to a third reading; and

On motion of Mr. Turney,

The rules of the House were dispensed with, and the bill was read a third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

The bill for "An act to incorporate the town of Jacksonville;" was taken up for consideration, and the reported amendment thereto, by the committee on Judiciary, was read and concurred in.

On motion of Mr. Henderson,

The bill was amended by adding the following additional sections:

SEC. 6. That the name of the town of Greenfield, in the county of Bureau, be changed, and hereafter to be known and called by the name of Lamville.

SEC. 7. That the names of the towns of Indiantown and of Windsor, in Bureau county, be changed, and both of said towns hereafter to be known and called by the name of "Tiskilwa."

SEC. 8. That the corporate limits of the town of Henepin, in Putnam county, shall hereafter include the west half of the south-west quarter of Section Ten, and the east half of said quarter section shall hereafter be excluded from said corporation."

On motion of Mr. Hardin,

The bill was further amended.

Mr. Cloud moved to amend the bill by adding the following:

"That the branch of the State Bank of Illinois, located in the town of Jacksonville shall remain in said, town until otherwise provided by law; and the foregoing provision is made a condition to the bank in the renewal of said charter.

Provideed further, That the bank shall not be required to move the branch of said bank located at Chicago;"

Which was not agreed to. When the bill as amended, was

Ordered to be engrossed for a third reading.

The engrossed bill for "An act making additional appropriations for the years 1839 and '40;" again coming up for consideration,

On motion of Mr. Carpenter,

The vote of yesterday on ordering the previous question was reconsidered by ayes and noes as follows:

Those voting in the affirmative, are,

Messrs. Able, Baker, Brown, Carpenter, Cloud, Craig, Crain, Cunningham, Daley, Dubois, Dunn, Edmonson, Edwards, Ficklin, Fisk, Foster, Gilham, Green of Clay, Green of Greene, Hankins, Happy, Harris, Henderson, Henry, Houston, Huey, Hull, Jarrot, Johnson, Kent, Kerr, Marshall, McCormick, McCutchen, McMillan, Moore, Morgan, Murphy of Perry, Nance, Pace, Phillips, Roberts, Roman, Simms, George Smith, Robert Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Williams, Williamson and Mr. Speaker, —55.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Greene, Archer, Churchill, Dawson, Elliott, Elkin, English, Hardin, Harlan, Holmes, Jones, Kercheval, Lincoln, Maus, McWilliams, Menard, Naper, Otwell, Rawalt, Read, Turney, Webb, Wood and Zimmerman—25.

Mr. Carpenter moved to amend the first section of the bill, by striking out seven dollars, as the per diem allowance of the Speakers of the two Houses, and inserting six dollars. When,

On motion of Mr. Williams,

The bill was laid on the table by ayes and noes as follows:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Greene, Archer, Baker, Brown, Craig, Cunningham, Daley, Dawson, Dubois, Edmonson, Edwards, Elkin, English, Ficklin, Gilham, Green of Clay, Happy, Hardin, Harlan, Henderson, Henry, Holmes, Houston, Hull, Jorrott, Johnson, Jones, Kent, Kerr, Marshall, McCormick, McCutchen, Menard, Moore, Morgan, Nance, Otwell, Phillips, Roman, Simms, Stapp, Starr, Thomas of St. Clair, Turney, Webb and Williams—47.

Those who voted in the negative, are,

Messrs. Able, Carpenter, Churchill, Cloud, Crain, Dunn, Elliott, Fisk, Foster, Green of Greene, Hankins, Harris, Huey, Kercheval, Logan, Lincoln, Maus, McMillan, McWilliams, Murphy of Cook, Murphy of Perry, Naper, Pace, Rawalt, Read, Roberts, George Smith, Robert Smith, Thomas of McLean, Walker of Fulton, Walker of Vermilion, Williamson, Wood, Zimmerman and Mr. Speaker—35.

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate, to inform the House of Representatives that they have concurred with them in the passage of bills of the following titles, viz:

"An act authorizing the County Commissioners of Union county to borrow money for certain purposes;" and

"An act to amend an act incorporating the Calhoun Coal and Mining Company."

They have passed a bill of the following title, viz:

"An act to abolish the Board of Commissioners of Public Works, and the Board of Fund Commissioners."

In the passage of which bill, they ask the concurrence of the House of Representatives.

They have this day indefinitely postponed the further consideration of the following bill from the House of Representatives, viz:

"An act to authorize owners of blocks in the town of Winnebago, to enclose alleys in said blocks."

Mr. Naper, from the select committee, to which was referred the bill for "An act in relation to the school fund in Cook county;" reported the same back to the House with an amendment as a substitute for the original bill; which was read and concurred in, and the bill

Ordered to be engrossed for a third reading.

Mr. Maus, from the select committee, to which was referred the bill for "An act to alter a State road therein named;" reported the same back to the House with an amendment; which was read and concurred in, and

Ordered to be engrossed for a third reading.

Mr. Stapp, from the committee on Engrossed bills, reported as correctly engrossod a bill for "An act to modify the system of Internal Improvements."

Mr. Hankins, from the select committee, to which was referred a Senate bill for "An act to alter a certain State road in Fayette county; reported the same back to the House without amendment; and the bill was

Ordered to a third reading; and

On motion of Mr. Hankins,

The bill was now read the third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. Lincoln, from the select committee, to which was referred the Senate bill for "An act to incorporate the city of Springfield;" reported the same back to the House, with amendments; which were concurred in, and the bill

Ordered to a third reading.

Mr. Huey, from the select committee, to which was referred a petition; reported a bill for "An act to authorize a re-survey of the lower town of Carlyle in Clinton county;" when,

On motion,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK P. M.

House met pursuant to adjournment.

Mr. Nance, on leave, introduced a bill for "An act to authorize and require the School Commissioner of Sangamon county to pay over certain school funds to the School Commissioners of Menard, Logan and Dane counties;" which was read the first time, and

Ordered to a second reading; and

On motion of Mr. Nance,

The rule of the House was dispensed with, and the bill read a second and third time by its title, and passed.

Ordered that the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in its passage.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed a bill of the following title, viz:

"An act to provide for the auditing and settling the accounts of Public officers."

Engrossed bills of the following titles, were severally read the third time by their titles, the rules being dispensed with, and passed, viz:

"An act providing for the collection of the State revenue in Greene, Bond and other counties;"

"An act to incorporte the Marion Institute;"

"An act declaring a strip of ground therein described to be a public street;"

"An act concerning the revenue in Clay county;"

"An act to continue the location of a State road therein named;"

"An act concerning a State road from Shelbyville to Hillsboro;"

"An act to incorporate the Illinois and St. Louis Bridge Company;"

"An act appointing an agent to superintend certain improvements in Clay county;"

"An act to amend the act entitled an act to incorporate the Vandalia and Mississippi Turnpike Company.

"An act to incorporate the town of Tremont;"

"An act to amend an act entitled an act to repeal part of an act to incorporate the city of Chicago;"

"An act for a State road in Clay county."

Ordered, That the titles be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the passage of the same.

Engrossed bills of the following titles were severally read the third time and passed, viz:

"An act concerning the appropriations therein named;"

"An act to dissolve the bands of matrimony between Nathaniel B. Martin and Sarah Martin, his wife;"

"An act to authorize the Board of Public Works to audit and settle the accounts of Edward Smith deceased;"

"An act to incorporate the Meredosia Hotel Company;"

"An act for the relief of Livingston and De Witt counties;"

"An act for the benefit of the heirs of Samuel Jackson deceased;"

"An act to re-locate a part of a State road therein named."

Ordered, That the titles be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Senate bills of the following titles were severally read the third time and passed, viz:

"An act in relation to the county of Williamson;"

"An act to amend an act entitled an act to incorporate the Union Agricultural Society;"

"An act to amend an act concerning attachments, approved February 12th, 1833;"

"An act supplementary to an act to incorporate the town of Bloomington;"

"An act for the relief of Wm. Howell, of Calhoun county;"

"An act in relation to certain roads in Greene county;"

"An act to amend an act to incorporate the La Salle Charity Hospital, approved February 23d, 1839;"

"An act to amend an act entitled an act to provide for the dedication of lots in the towns situated on canal lands to public purposes, approved February 28th, 1839;"

"An act to authorize Shelton L. Hall and others to establish a Ferry across Rock river;"

"An act to Incorporate the Kaskaskia Beet Sugar Manufacturing Company, and Randolph Silk Manufacturing Company;"

"An act to amend the laws in relation to change of venue;"

"An act to authorize the Trustees of Schools, in Township eight North, Range five East, to refund certain money."

Ordered, That the titles be as aforesaid, and that the Clerk inform the Senate thereof.

Engrossed bill for "An act for the relief of the county;" was read the third time, and

On motion of Mr. Walker of Vermilion,

Was amended as follows:

Insert after the word "that," in the first line of the proviso, the words "when the execution shall be issued from a court of record;" and add to the end of the proviso the following:

"And it shall be the duty of the Clerk to issue executions on any Judgment at the request of any other Judgment creditor;" and on the passage of the bill,

It was decided in the negative by yeas and nays as follows:

Those voting in the affirmative, are,

Messrs. Able, Aldrich, Brown, Carpenter, Churchill, Cloud, Craig, Crain, Daley, Edmonson, Edwards, Elliott, English, Fisk, Foster, Green of Clay, Hankins, Harlan, Harris, Huey, Hull, Kercheval, Logan, Lyons, Marshall, McCormick, McWilliams, Moore, Murphy of Cook, Murphy of Perry, Naper, Read, Robert Smith, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Vermilion, and Mr. Speaker—38.

Those voting in the negative, are,

Messrs. Allen of Greene, Archer, Baker, Cunningham, Dawson, Dubois, Dunn, Elkin, Emmerson, Ficklin, Gilham, Green of Greene, Happy, Hardin, Henderson, Henry, Holmes, Houston, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, McCutchen, McMillan, Menard, Morgan, Nance, Otwell, Pace, Phillips, Rawalt, Roberts, Roman, Simms, George Smith, Stapp, Starr, Walker of Fulton, Webb, Williams, and Zimmerman—43.

Engrossed bill for "An act concerning the National Road in Illinois;" was read the third time and passed, by ayes and noes as follows:

Those voting in the affirmative, are,

Messrs. Archer, Carpenter, Churchill, Crain, Cunningham, Elliott, Emmerson, Ficklin, Foster, Gilham, Green of Clay, Hankins, Hardin, Henderson, Henry, Holmes, Houston, Jarrott, Johnson, Kercheval, Kerr, Lyons, Marshall, McCutchen, Morgan, Murphy of Cook, Murphy of Perry, Nance, Pace, Phillips, Read, Roberts, Roman, Starr, Thomas of St. Clair, Turney, Williams, and Mr. Speaker—38.

Those voting in the negative, are,

Messrs. Able, Aldrich, Allen of Greene, Brown, Cloud, Craig, Daley, Dawson, Edmonson, Edwards, English, Fisk, Green of Greene, Happy, Harlan, Harris, Huey, Hull, Jones, Kent, Lincoln, McCormick, McMillan, McWilliams, Menard, Moore, Otwell, Rawalt, Simms, George Smith, Robert Smith, Thomas of McLean, Walker of Fulton, Walker of Vermilion, and Zimmerman—35.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bill for "An act in relation to promissory notes;" was read the third time, and

On motion of Mr. Lincoln,

Amended as follows:

"*Provided*, That nothing herein shall be construed to legalize the taking of more than twelve per cent. interest per annum, in any case whatever."

When the bill as amended was passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in its passage.

Mr. Elkin from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles, to wit:

A bill for "An act providing for the collection of the State revenue, in Greene, Bond, and other counties;"

A bill for "An act to restore the charter to the State Bank of Illinois;"

A bill for "An act to dissolve the bands of Matrimony between Nathaniel B. Martin and Sarah Martin his wife;"

A bill for "An act to incorporate the Shawnetown Jockey Club Association;"

A bill for "An act to amend an act distributing the School Fund;"

A bill for "An act to authorize the collector of ——— county, to collect certain Taxes therein named;"

A bill for "An act amendatory to 'an act concerning the public revenue, approved, February 26, 1839;' "

A bill for "An act concerning the appropriations therein named;"

A bill for "An act to provide for the completion of the work under contract on the Great Wabash river, under the compact between the States of Indiana and Illinois;"

Engrossed bill for "An act regulating the practice of the Circuit Courts in criminal Cases;" was read the third time and passed, and

On motion of Mr. Fisk,

The title was amended so as to make it read,

"An act to regulate the time of holding the Courts in the counties of Clinton and Bond."

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence in its passage.

Engrossed bill for "An act to improve the Illinois river;" was read the third time and passed, and

On motion of Mr. Pace,

The title was amended to read as follows:

"An act in relation to special bail."

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence in its passage.

Senate bill for "An act requiring Pedlars to procure license;" as amended by the House, was read a third time and passed.

Ordered, That the titles be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the House Amendments.

A message from the Council of Revision by Mr. Hubbard, Secretary of the Council:

Mr. Speaker: The Council of Revision have directed me to inform the House that they have approved of acts of the following titles:

"An act to legalize the assessment of revenue in the counties of Iroquois and Clay, for the year 1839;"

"An act to extend the time for the location of State roads;"

"An act permanently to locate the seat of Justice of the county of De Kalb."

Senate bill for "An act to incorporate the City of Quincy;" was read the third time by its title and passed, as amended by the House.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendments of the House to said bill."

Senate bill for "An act to re-locate a certain State road in Pike county;" was read the third time, and

On motion of Mr. McWilliams,

Amended by striking out the name of "Stephen Gray," and inserting that of "James Gates;" and passed as amended.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence in the amendments of the House.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, amendments to

Senate bill for "An act to provide for the settlement of debts and liabilities incurred on account of Internal Improvements, in the State of Illinois;"

Senate bill for "An act to amend an act, entitled an act for the relief of purchasers of Canal lots and lands, and for other purposes, approved, March 2, 1839;" was read the third time and passed, as amended by the House.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence in the amendments of the House to said bill.

Engrossed bill for "An act to restore the charter to the State bank of Illinois;" was read the third time and passed; and

On motion of Mr. Webb,

The title of the bill was amended so as to read,

"An act fixing the time of holding the summer term of the Supreme Court;"

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence in its passage.

Engrossed bill for "An act to incorporate the Shawneetown Jockey Club Association;" was read the third time, and

On motion of Mr. Marshall,

Laid on the table.

A message from the Senate by Mr. Bond, their Secretary.

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of bills of the following titles, viz:

"An act to change the name of the Kaskaskia Insurance Company;"

"An act authorizing the re-valuation of sections 16, in certain cases;"

"An act to change part of a State road from Naperville in Du Page county, to Indian creek, in McHenry county;"

"An act to incorporate the Middlesex Steam Mill Company;"

"An act to vacate the town plat of the town of Washington;"

"An act supplemental to an act to incorporate the Bainbridge Academy, approved March 2d, 1839;"

"An act to incorporate Georgetown, in the county of Randolph;"

"An act relating to certain records in the counties of Franklin, Williamson, Morgan and Cass;"

"An act to amend an act to create and establish the county of Jersey;"

"An act to authorize Ira Menard, Read Ferson, Bela F. Hunt and Darwin Millington to build a dam across Fox river;"

"An act to change a part of the State road, leading from Griggsville to Quincy;"

"An act to amend an act entitled an act, concerning the Road from Warsaw to Quincy, approved February 22d, 1839;"

"An act to re-survey a part of the State road, leading from Decatur to Danville."

They have also concurred with the House of Representatives in the passage of bills of the following titles, viz:

"An act to incorporate the Sangamon Coal Bank Bridge Company;"

"An act to amend an act entitled an act to provide for certain improvements in Pike county;"

"An act to incorporate the North Western Manufacturing Company;" as amended by them.

In which amendments they ask the concurrence of the House of Representatives.

Engrossed bill for "An act, to authorize the Collector of county to collect certain taxes therein named;" was read the third time and passed; and

On motion of Mr. Lincoln,

The title was amended to read as follows:

"An act in relation to taking depositions, and in relation to Menard and Logan counties."

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence in the passage of said bill.

Senate bill for "An act to provide for the settlement of the debts and liabilities incurred on account of Internal Improvements in the State of Illinois;" was read the third time; when,

Mr. Henderson moved to strike out the second section; which was not agreed to.

Mr. Hardin moved to amend by adding the following as an additional section:

"Sec. — That in all cases of a sale or exchange made by the Board of Public Works, or any Commissioner thereof, of any land, town lot, or other real estate heretofore given, granted or sold to the State of Illinois, for the purposes of depots, offices, or other public buildings connected with operations under the system of Internal Improvements, the Auditor of Public Accounts be, and he is hereby authorized to execute a deed or deeds of conveyance or exchange, to the real estate so sold, in behalf of the State of Illinois; and the said deed or deeds when so executed, shall vest in the purchaser or grantee of such real estate, in fee simple, all the legal estate of the said State of Illinois, in the real estate so conveyed;" and the bill as amended was passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendments of the House.

Engrossed Bill for "An act, authorizing the Auditor of Public Accounts, and the Trustees of Shawneetown to make deeds in certain cases;" was read the third time, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in its passage.

Engrossed Bill for "An act to modify the system of Internal Improvements;" was read the third time. When,

Mr. Moore moved to lay the bill on the table; which was not agreed to. When,

The bill was passed by yeas and nays as follows:

Those voting in the affirmative, are,

Messrs. Allen of Greene, Archer, Brown, Carpenter, Cloud, Daley, Dubois, Edmonson, Elliott, Emmerson, English, Ficklin, Fisk, Gilham, Green of Greene, Hankins, Happy, Hardin, Harlan, Harris, Henderson, Henry, Holmes, Houston, Jarrott, Johnson, Jones, Kent, Kerr, McCutchen, McWilliams. Menard, Morgan, Murphy of Cook, Nance, Otwell, Pace, Phillips, Read, Roman, Simms, George Smith, Stapp, Starr, Thomas of St. Clair, Walker of Fulton, Webb, and Williams—48.

Those who voted in the negative, are,

Messrs. Able, Baker, Churchill, Craig, Crain, Cunningham, Dawson, Dunn, Edwards, Elkin, Foster, Green of Clay, Huey, Hull, Kercheval, Logan, Lincoln, Marshall, Maus, McCormick, McMillan, Moore, Murphy of Perry, Naper, Rawalt, Roberts, Robert Smith, Thomas of McLean, Turney, Walker of Vermilion, Williamson, Zimmerman and Mr. Speaker—33.

On motion of Mr. Daley,

The title was amended so as to make it read a bill for "An act to repeal an act entitled an act to establish and maintain a general system of Internal Improvements, and other laws amendatory to the same."

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

An Engrossed Bill for "An act to amend an act, distributing the School Fund;" was read a third time.

Mr. Moore moved to lay the bill on the table; which was not agreed to.

The question was then taken on the passage of the bill, and decided in the affirmative.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

An Engrossed Bill for "An act to provide for the completion of work under contract, on the Great Wabash river, under the compact between States of Indiana and Illinois;" was read the third time.

Mr. Naper moved to amend the bill by striking out the word "Commissioner" wherever it occurs.

On motion of Mr. Archer,

The bill and proposed amendment were referred to a select committee.

Ordered, That Messrs. Archer, Bowman, and Naper be that committee.

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the passage of bills of the following titles, viz:

"An act concerning Sheriffs, Coroners, Constables, Justices of the Peace, and Probate Justices of the Peace;"

"An act to change the name of the county of Dane to that of Christian;"

"An act to incorporate the St. Clair Steam Mill Company;"

"An act supplemental to an act entitled an act to authorize the inhabitants of Cahokia, to raise a levee on the creek bank, opposite the town of Cahokia;"

"An act for the relief of John G. McHatton;"

"An act corncerning attachments;"

"An act to incorporate the towns therein named." When,

On motion,

The House adjourned until 7 o'clock P. M.

SEVEN O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Archer from the committee on State roads, to whom was referred sundry petitions; reported a bill for "An act to locate and change State roads;" which was read the first time, and

Ordered to a second reading; and

On motion of Mr. Archer,

The rules of the House were dispensed with, and the bill read a second and third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. McCutchen from the committee on the Judiciary, to which was referred a bill for "An act supplemental to an act, entitled an act to incorporate the Quincy House Company, approved March 2d, 1839;" reported the same back to the House without amendment; when the bill was

Ordered to a third reading.

Mr. Green of Clay, from the select committee, to which was referred a bill for "An act for the relief of certain persons, in a certain case, on the

Little Wabash river;" reported the same back to the House without amendment.

Mr. Hardin moved to amend the first section by striking out all after the enacting clause, and insert the following, viz:

"That the county Commissioners' Courts of White county are hereby authorized to remove the mill-dams across the Little Wabash river, purchased by the State, if to the said court it shall appear advisable so to do."

On motion of Mr. Moore,

The bill and proposed amendment were referred to the committee on Finance, with instructions.

Mr. Craig from the committee on the Judiciary, to which was referred a bill for "An act for the relief of contractors, and the adjustment of claims against the State;" reported the same back to the House, and recommended its rejection; and

On motion of Mr. Moore,

Said bill was referred to a select committee.

Ordered, That Messrs. Moore, Craig, and Phillips be that committee.

Mr. Naper from the committee on Canals and Canal Lands, to which was referred a bill for "An act for the relief of Stewart, Sanger and Wallace;" reported the same back to the House with an amendment; which was read and concurred in. The bill was then

Ordered to be engrossed for a third reading.

Mr. Pace from the select committee to which was referred a bill for "An act for the purposes therein named;" reported the same back to the House with an amendment; which was read, and

On motion of Mr. Edwards,

The report of the committee was amended as follows, viz:

Strike out "The Governor shall immediately after the passage of this act appoint" and insert "The two Houses shall immediately after the passage of this act meet in the Hall of the House of Representatives to select;" when the report of the committee as amended was concurred in; and the bill was then

Ordered to be engrossed for a third reading.

Mr. Rawalt from the committee on Finance, to which was referred a bill for "An act for the completion of the Peoria and Warsaw Railroad, from Peoria to Canton;" reported the same back to the House with an amendment, which was read and concurred in; and

On motion of Mr. Rawalt,

Said bill was referred to the committee on the Judiciary.

On motion of Mr. Nance,

The vote taken on the passage of a bill for "An act for the relief of the county;" was re-considered.

Mr. Walker of Vermilion moved to amend the bill by striking out the words "property, whether real or personal," and insert "real property;" which was not agreed to.

Mr. Pace moved to amend the bill by adding the following as an additional section, viz:

"This act shall take effect and be in force, from and after the first day of September next;" which was not agreed to.

On motion of Mr. Moore,

The bill was laid on the table.

Mr. Hardin from the committee on the Judiciary, to which was referred a Senate bill for "An act to amend the several laws in relation to practice in Courts of Law and Chancery;" reported the same back to the House without amendment; when, the bill was

Ordered to a third reading; and

On motion of Mr. Hardin,

The rule of the House was dispensed with, and the bill now read a third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. Elkin from the select committee, to which was referred a bill for "An act in relation to public works;" reported the same back to the House with an amendment, which was read and concurred in. The bill was then

Ordered to a third reading; and

On motion of Mr. Elkin,

The rule of the House was dispensed with, and the bill read a third time by its title, and passed.

On motion of Mr. Elkin,

The title was amended so as to make it read a bill for "An act to incorporate the Springfield Marine and Fire Insurance Company."

Ordered, That the the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Dunn from the select committee, to which was referred a bill for "An act to locate a State road therein named;" reported the same back to the House with an amendment; which was read and concurred in; and the bill was then

Ordered to a third reading; and

On motion of Mr. Dunn,

The rules of the House were dispensed with, and the bill read a third time by its title and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. Nance from the select committee, to whom was referred a bill for "An act to improve the navigation of the Sangamon river;" reported the same back to the House without amendment."

Mr. Dawson from the minority of the same committee, made the following report, viz:

The minority of the committee, to whom was referred a bill to improve the Navigation of the Sangamon river, make the following report:

It appears that a bill passed the General Assembly of the State of Illinois, and on the 19th January, 1829, the same was approved and became a law; which bill appropriated out of the avails of the Vermilion Saline Reserve, to the county of Sangamon, the sum of two thousand dollars, to be expended under the directions of the County Commissioners of said county, to improve the navigation of the Sangamon river.

The Commissioners being apprised that the sum of two thousand dollars would do but little to effect so great a work, applied the same to the ordinary expenses of the county, which then embraced the counties of Menard, Logan and Dane, as a part of old Sangamon. The minority of the Committee hesitate not in saying, that the aforesaid appropriations have been

diverted from its legitimate object; still there is some doubt, whether or not it has not been more advantageously applied than it would have been even had the Commissioners applied the money as contemplated by law. The minority of the Committee think they are fully justified in this position by the large expenditures which has been made on similar rivers by the State, from which little or no good has resulted, except the expending of large sums of money in their immediate neighborhoods.

The minority, desirous as they may be to see the navigation of the Sangamon river improved, are bound to come to the conclusion, (if experience teaches any thing,) that it would be worse than useless to attempt to improve the navigation of the Sangamon river with the sum of two thousand dollars. The minority of the Committee are of the opinion, that the time is not far distant, when the improving of the rivers within this State will be an object of the first importance to the people of the State. Entertaining this opinion, they have come to the conclusion that it would be unwise to squander the small sum of two thousand dollars in so great a work as is contemplated in the aforenamed bill. If the minority of the committee entertain a correct opinion, that the State will improve her rivers, and that at no distant day, they also entertain the opinion, that the sum above named had better remain where it now is, among the people of the aforesaid counties. The minority of said committee are of the opinion, that it would be unequal and unjust to compel the present county of Sangamon to pay the whole amount of the above appropriation, when the same was expended for their common benefit. The minority entertain the opinion, whenever the money can be properly expended, it should be raised from among the said counties, in the same proportion as the State School fund was divided at the present session among them. The minority are fully advised, that when a division of the county of Sangamon took place, there was a large debt hanging over the county, which in a great degree was created by the liberal appropriations made by the County Court of Sangamon, to those portions of her territory which now comprise the three new counties, which debt the mother county has made provisions to pay entirely from her own resources.

In conclusion, the minority of the committee recommend the rejection of the bill.

The question was then taken on ordering the bill to be engrossed for a third reading, and decided in the negative by yeas and nays as follows, viz:

Those who voted in the affirmative, are,

Messrs. Allen of Greene, Brown, Carpenter, Crain, Ficklin, Fisk, Foster, Green of Greene, Hankins, Happy, Henry, Holmes, Houston, Huey, Maus, Moore, Murphy of Perry, Nance, Robert Smith, Walker of Vermilion, Zimmerman, and Mr. Speaker—21.

Those voting in the negative, are,

Messrs. Able, Archer, Baker, Cloud, Craig, Cunningham, Daley, Dawson, Dubois, Edwards, Elliott, Elkin, Gilham, Hardin, Harlan, Harris, Henderson, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Logan, Lincoln, Marshall, McCormick, McCutchen, McMillan, Menard, Morgan, Otwell, Pace, Phillips, Rawalt, Read. Roman, George Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, and Williams—43.

Mr. Huey from the select committee, to whom was referred a certain

petition, reported a bill for "An act to authorize the re-survey of the lower town of Carlyle, in Clinton county;" which was read the first time, and

Ordered to a second reading; and

On motion of Mr. Huey,

The rule of the House was dispensed with, and the bill read a second and third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Cunningham from the select committee, to which was referred a Senate bill for "An act to legalize the change of a certain State road therein named;" reported the same back to the House without amendment.

Mr. Walker of Vermilion moved to amend the bill by adding the following as an additional section, viz:

"Sec.—That within one month after the passage of this act, the Treasurer of the Board of Commissioners of the Illinois and Michigan Canal, shall be required to move to Lockport, in Will county, and thenceforth to reside at said town of Lockport, and shall not hereafter be permitted to employ any clerk or clerks, at the expense of the State;" which was agreed to; and the bill as amended was

Ordered to a third reading; and

On motion of Mr. Cunningham,

The rule of the House was dispensed with, and the bill read a third time by its title, and passed.

On motion of Mr. Walker of Vermilion,

The title of the bill was amended by adding the following, viz:

"And to require the Treasurer of the Canal Board to reside at Lockport."

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendments thereto.

Mr. Hardin from the select committee, to whom was referred a bill for "An act regulating the fees of jurors and witnesses;" reported the same back to the House with sundry amendments; which were read and concurred in.

On motion of Mr. Stapp,

The bill was amended by adding at the end of the first section the following, viz:

"And that the office of Secretary of the Canal Board be and the same is hereby abolished, and hereafter the duties required of the Secretary of said Board shall be performed by the Treasurer of said Board;" which was agreed to.

Mr. Ficklin moved to amend the bill by adding the following at the end of the section, viz:

"That the President and Directors of the State Bank of Illinois, be and they are hereby authorized and required to locate a branch of said Bank at Charleston within the present year."

On motion of Mr. Allen of Greene,

The amendment offered by Mr. Ficklin was laid on the table.

Mr. McCormick moved to amend the bill by striking out the words "seventy-five cents," wherever it occurs in the bill, and insert in lieu thereof the words "one dollar;" which was not agreed to.

Mr. Rawalt moved the indefinite postponement of the bill, which was not agreed to.

Mr. Murphy of Perry moved to lay the bill and amendment on the table; which was not agreed to; when the bill was

Ordered to be engrossed for a third reading.

A message from the Senate by Mr. Bond, their Secretary.

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have passed bills of the following titles, viz:

"An act to vacate the town plats of the towns therein named;"

"An act to incorporate the Madison County Ferry Company;"

"An act to amend an act, to incorporate the Peoria Commercial Insurance Company; approved February 18th, 1837;" and

"An act for the benefit of Wild Lodge, No. 5, in the town of Galena."

In the passage of which said several bills they ask the concurrence of the House of Representatives.

They have concurred with them in the passage of a bill of the following titles, to wit:

"An act exempting certain articles from execution, in addition to those already exempt by the laws of this State."

They have also concurred with them in the passage of the bill for "An act to amend an act concerning the public revenue, approved February 26th, 1839;" as amended by them.

In which amendments, they ask the concurrence of the House of Representatives.

Mr. Moore from the select committee. to which was referred a bill for "An act for the relief of contractors, and the adjustment of claims against the State;" reported the same back to the House with an amendment; when,

On motion,

The House adjourned.

FRIDAY, January 31, 1840.

House met pursuant to adjournment.

The Clerk called the House to order, and read the following communication from the Speaker:

"*Gentlemen of the House of Representatives:*

Circumstances of a most afflicting character impel me to leave my place in the House of Representives for the remainder of the session.

With high consideration,

Your obedient Servant,

W. L. D. EWING.

January 31st, 1840."

On motion of Mr. Elkin,

Mr. Cloud was chosen Speaker pro. tem.

Mr. Ficklin presented the petition of Hiram Russell of Coles county; which,

On his motion,

Without reading, was referred to the committee on Internal Improvements.

On motion of Mr. Moore,

The following addition rule was adopted: "Rule ——. Hereafter, bills may be referred or amended after engrossment by the consent of a majority of the members present."

On motion of Mr. Ficklin,

The bill for "An act making additional appropriations for the years 1839 and '40;" was taken up for consideration.

Mr. English moved a call of the House.

And during the pending of the call, Mr. Moore from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles, to wit:

"An act in relation to the State Bank of Illinois;"

"An act to incorporate Georgetown in the county of Randolph;"

"An act to vacate the town plat of the town of Washington;"

"An act to incorporate the towns therein named;"

"An act concerning attachments;

"An act to amend an act incorporating the Calhoun Coal and Mining Company;"

"An act to change the name of the Kaskaskia Insurance Company;"

"An act to change a part of the State road leading from Griggsville to Quincy;"

"An act relating to certain records in the counties of Franklin, Williamson, Morgan and Cass."

"An act to incorporate the Middlesex Steam Mill Company."

And they have this day laid before the Council of Revision the above named bills.

A message from the Senate by Mr. Bond, their Secretary.

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the passage of bills of the following titles, viz:

"An act authorizing Commissioners courts to alter, change and relocate State roads;"

"An act to legalize the assessment of taxes taken in the counties of McHenry and Stark, in the year 1839;"

"An act to amend 'an act concerning Justices of the Peace and Constables,' approved February 3, 1827;"

"An act to authorize Sherland Rose and Andrew C. Swan to build a toll bridge across Fever river, at Galena, in the county of Joe Davies;" and

"An act to establish a State road from Petersburgh, in Menard county, to Waverly, in Morgan county."

They have also concurred with them in the passage of a bill for "An act to vacate a part of the town plat of Bennett's addition to the town of Petersburg;" as amended by them.

In which amendments they ask the concurrence of the House.

They have amended the title of said bill by adding the words "and for the assessment and collection of taxes in certain counties."

In which amendment to said title, they ask the concurrence of the House.

On motion of Mr. Edwards, it was

"*Resolved*, That the report of Canal Commissioners, in obedience to a

call of House of Representatives, passed on the 14th of last month, relative to the disbursement of the Canal Commissioners, be not printed, either for the use of the House or with the Reports or Journals, but shall be filed in thd Secretary's office for the inspection of the public."

Mr. Craig, from the committee on Judiciary, to which was referred a bill for "An act to incorporate the Galena Trust Company;"

Reported the same back to the House with an amendment, which was concurred in, and the bill

Ordered to be engrossed for a third reading.

The Door keeper having reported under the call of the House,

The House again resumed the consideration of the appropriation bill.

On motion of Mr. Edwards,

The bill was amended by striking out an appropriation to Wm. Walters, of three hundred and seventy-five dollars, for 150 copies of reported decisions of cases in the Supreme Court, sold to A. P. Field, Secretary of State.

On motion of Mr. Carpenter,

The bill was amended by striking out "Stoves and pipes," in the proposed appropriation to the Trustees of the 2d Presbyterian Church.

On motion of Mr. R. Smith,

The bill was amended by adding the following as an additional section:

"The Auditor shall issue his warrants in favor of the Inspectors of the Penitentiary, for such sum or sums as may be certified by them, to be necessary to pay guards for securing convicts in the Penitentiary for which there is no cells, provided they shall not pay more than one dollar and twenty-five cents per day for each guard necessarily employed."

On motion of Mr. Dawson,

The bill was further amended by adding the following:

"The Trustees of 2d Presbyterian Church may retain the four stoves now in the same, for the use of said church until said stoves be required for the use of the State."

On motion of Mr. Carpenter,

The first section of the bill was amended by striking out "seven dollars" and inserting "six dollars," as the per diem allowance for the Speakers of the two Houses.

Mr. Murphy of Cook, moved the previous question.

Mr. Edwards moved to lay the motion on the table; which was not agreed to.

And on ordering the previous question, it was decided in the negative, by ayes and noes as follows:

Those who voted in the affirmative, are,

Messrs. Able, Allen of Greene, Archer, Bowman, Brown, Crain, Dubois, Dunn, Elkin, Emmerson, Ficklin, Foster, Gilham, Harlan, Harris, Houston, Jones, Kent, Kercheval, Kerr, Logan, Lincoln, Marshall, McCutchen, Moore, Morgan, Murphy of Cook, Naper, Pace, Phillips, Rawalt, Read, Walker of Fulton, and Zimmerman—34.

Those who voted in the negative, are,

Messrs. Baker, Carpenter, Churchill, Cloud, Craig, Cunningham, Dawson, Edwards, Elliott, English, Green of Greene, Hankins, Happy, Hardin, Henry, Holmes, Huey, Hull, Jarrot, Johnson, Lyons, McMillan, McWilliams, Menard, Murphy of Perry, Nance, Otwell, Roberts, Roman, Simms-

George Smith, Robert Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Vermilion, Webb and Williamson—40.

Mr. Thomas of McLean, moved to amend the bill by striking out $4, the proposed per diem allowance for members of General Assembly and inserting $3.

Mr. Dunn moved to lay the bill and amendment on the table; which was agreed to.

Mr. Stapp moved to amend the bill as follows:

"That the members of this House shall vote for any sum that they may be willing to receive for their services not exceeding four dollars per day."

A division of the question being called for on the motion to strike out $4 and insert $3;

The question was taken on striking out $3, and decided in the negative by ayes and noes as follows:

Those voting in the affirmative, are,

Messrs. Aldrich, Archer, Baker, Cloud, Cunningham, Daley, Dubois, Edwards, Elliott, Ficklin, Johnston, Kerr, Lincoln, McCutchen, WcWilliams, Moore, Morgan, Murphy of Perry, Nance, Otwell, George Smith, Robert Smith, Stapp, Thomas of McLean, Turney, Williamson and Zimmerman—27.

Those who voted in the negative, are,

Messrs. Able, Allen of Greene, Bowman, Brown, Carpenter, Churchill, Craig, Crain, Dawson, Dunn, Elkin, Emmerson, English, Foster, Gilham, Green of Clay, Green of Greene, Hankins, Happy, Hardin, Harlan, Harris, Henderson, Henry, Holmes, Houston, Huey, Hull, Jarrott, Jones, Kent, Kercheval, Logan, Lyons, Marshall, McCormick, McMillan, Murphy of Cook, Naper, Pace, Phillips, Rawalt, Read, Roberts, Roman, Simms, Starr, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion and Webb—51.

On motion of Mr. Daley,

The bill was amended as follows:

"The Auditor of Public Accounts shall issue his warrant on the Treasurer in favor of different persons, heretofore named, for the several sums annexed to their respective names."

On motion of Mr. Nance,

The bill was amended by adding as follows:

"To Moses K. Anderson, Adjutant General of the Illinois Militia, the sum of twenty dollars and eighty-two cents, for services rendered in the year 1839, from the 15th day of October last to the 31st day of December, 1839."

And the bill as amended passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in its passage.

On motion of Mr. Edwards,

The additional rule adopted this morning was rescinded.

Mr. Webb, from the committee to which was referred the Senate bill for "An act to grant pre-emption rights upon lands owned by the State, and entered for Internal Improvement purposes;" reported the same back to the House, and the bill was read the third time, and

On motion of Mr. Turney,

Laid on the table.

Mr. Stapp, from the committee on Enrolled Bills, report as correctly enrolled bills of the following titles, to wit:

"An act authorizing the County Commissioners of Union county to borrow money for certain purposes;"

"An act to incorporate the St. Clair Steam Mill Company;"

"An act supplemental to an act to incorporate the Bainbridge Academy, approved March 2d, 1839;"

"An act to re-survey a portion of the State road leading from Decatur to Danville;"

"An act to amend an act to create and establish the county of Jersey;"

"An act to change part of a State road from Naperville in Du Page county, to Indian Creek, in McHenry county;"

"An act supplemental to an act to authorize the inhabitants of Cahokia to raise a levee on the creek bank, opposite the town of Cahokia;"

"An act concerning Sheriffs, Coronors, Constables, Justices of the Peace and Probate Justices of the Peace;"

"An act authorizing the re-valuation of sections 16, in certain cases;"

"An act for the relief of John G. McHatten."

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of the following bills as amended by them, viz:

"An act for the relief of certain securities therein named;"

"An act to incorporate the Kishwaukee Bridge Company, at Kishwaukee;"

In which amendments they ask the concurrence of the House of Representatives.

They have also passed bills of the following titles, to wit:

"An act to limit the duration of the office of Secretary of State;"

"An act to vacate the survey and plats of the towns of 'Buffalo' and 'East Buffalo;' "

"An act to amend an act entitled an act to provide for the election of Probate Justices of the Peace, approved March 4, 1837;"

"An act entitled an act regulating Tavern and Grocery License, approved 2d March, 1839."

In the passage of which said several bills, they ask the concurrence of the House of Representatives.

Mr. Webb from the select committee, to which was referred the Senate bill for "An act to amend an act for the probate of wills in certain cases, in force March 2nd, 1839;" reported the same back without amendment.

Whereupon the bill was

Ordered to a third reading.

Mr. MCcutchen from the committee on the Judiciary, to which was referred a bill for "An act to legalize the re-valuation of certain lots in the town of Lockport, and for other purposes;" reported the same back to the House without amendment.

Mr. McCutchen moved to amend the bill by adding the following:

"Sec. 3. That the Governor be, and he is hereby authorized and empowered to sell and convey in fee simple to any individual or company whatsoever, the Illinois and Michigan Canal, and all rights and appertenances thereunto belonging, or in any wise appertaining, and all the unsold lands which were donated to the State by Congress for the construction

of said canal; and all rights, credits and shares in action accruing to the State from the sale of canal lands and town lots heretofore made, on the following terms and conditions, to wit:

1st. The purchaser or purchasers shall refund to the State, the full amount of money in any manner expended by the State on said canal, and assume all liabilities incurred by the State in consequence thereof.

2d. The consideration to be paid to the State by the purchaser or purchasers, shall be three millions of dollars, as a bonus over and above the canal debt; which shall be appropriated to the payment of the State indebtedness, incurred on account of internal improvements of the State of Illinois.

3d. The purchaser or purchasers shall prosecute the construction of said canal to completion.

On motion of Mr. Logan,

The proposed amendment was laid on the table by ayes and noes, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Aldrich, Allen of Greene, Archer, Bowman, Brown, Churchill, Cloud, Crain, Cunningham, Daley, Edmonson, Edwards, Elkin, Emmerson, English, Foster, Green of Clay, Green of Greene, Happy, Hardin, Henderson, Houston, Huey, Johnson, Jones, Kent, Kercheval, Logan, Lincoln, Marshall, McCormick, McMillan, McWilliams, Menard, Morgan, Murphy of Perry, Nance, Naper, Otwell, Pace, Phillips, Rawalt, Roberts, Roman, Simms, Robert Smith, Starr, Thomas of McLean, Walker of Fulton, Webb, Williamson, and Zimmerman—55.

Those who voted in the negative, are,

Messrs. Baker, Carpenter, Craig, Dawson, Dubois, Dunn, Elliott, Ficklin, Gilham, Hankins, Harlan, Henry, Holmes, Hull, Jarrott, Lyons, McCutchen, Read, George Smith, Thomas of St. Clair, and Turney—21.

Whereupon the bill was

Ordered to a third reading; and,

On motion of Mr. Naper,

The rules of the House were dispensed with, and the bill now read a third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof and ask their concurrence in its passage.

Mr. Bowman from the committee of the Judiciary, to which was referred the bill for "An act to amend an act entitled an act to incorporate the Peoria Insurance Company, approved February 18th, 1837;" reported the same back to the House without amendment.

On motion of Mr. Webb,

The bill was amended by adding the following:

"Sec. 4. That the Quincy Insurance Company be, and they are hereby authorized to loan any portion of their capital not exceeding the one third part thereof, upon personal security, at a rate of interest not exceeding eight per cent." When,

The bill as amended was ordered to be engrossed for a third reading.

Mr. Henry from the committee on claims, to which was referred the memorial of M. A. Chinn; reported the same back to the House with the following resolution; which was adopted:

"*Resolved by the General Assembly of Illinois*, That the memorial

M. A. Chinn, be referred to the Board of Public Works, with instructions to make such an indemnification as may appear to be just."

Mr. Murphy of Perry, from the committee on Internal Improvements, to which was referred the bill for "An act disposing of the timbers and rock belonging to the State, which were intended to to be used by the State in building a bridge across the Kaskaskia river at Carlyle;" reported the same back to the House with an amendment; which was concurred in, and the bill

Ordered to be engrossed for a third reading.

The bill reported last evening by Mr. Moore from the select committee, for "An act for the relief of contractors, and the adjustment of claims against the State;" and which was under consideration when the House adjourned,

Was taken up, and the amendments reported by the committee concurred in by ayes and noes, as follows:

Those voting in the affirmative, are,

Messrs. Able, Allen of Greene, Brown, Churchill, Crain, Daley, Edmonson, Elkin, English, Foster, Green of Clay, Hankins, Happy, Harlan, Henderson, Holmes, Houston, Huey, Hull, Johnson, Kercheval, Logan, Marshall, McCormick, Moore, Morgan, Murphy of Perry, Nance, Naper, Pace, Robert Smith, Starr, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Vermilion, Williamson, and Zimmerman—38.

Those who voted in the negative, are,

Messrs. Baker, Bowman, Carpenter, Cloud, Craig, Cunningham, Dawson, Dubois, Edwards, Elliott, Ficklin, Gilham, Green of Greene, Hardin, Harris, Henry, Jarrott, Jones, Kent, Lincoln, McCutchen, McMillan, McWilliams, Menard, Murphy of Cook, Otwell, Philips, Rawalt, Read, Roberts, Roman, George Smith, Stapp, Walker of Fulton, Webb—35.

When the bill as amended was

Ordered to be engrossed for a third reading.

Mr. Archer from the select committee, to which was referred the bill for "An act to provide for the completion of the work under contract on the Great Wabash, under the compact between the States of Indiana and Illinois;" reported the same back to the House with an amendment; which was concurred in, and the bill as amended was

Ordered to be engrossed for a third reading.

Mr. Henry from the select committee, to which was referred the Senate bill for "An act to vacate a State road in Pike county, and for other purposes;" reported the same back to the House with an amendment; which amendment was concurred in, and the bill as amended,

Ordered to be engrossed for a third reading.

Mr. Crain from the select committee on Engrossed bills, reported as correctly engrossed, a bill for "An act for the relief of Stuart, Singer and Wallace;" when,

On motion,

The House adjourned till 2 o'clock P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The Speaker laid before the House a communication from the Illinois Mutual Fire Insurance Company; which was read, and

On motion of Mr. Moore,

Laid on the table.

Mr. Speaker laid before the House a communication from Mr. Dixon, one of the commissioners of the Board of Public Works; which was read, and,

Mr. Webb moved that the communication be returned to the source from whence it came; which was agreed to.

A Senate bill for "An act supplemental to an act to incorporate the Quincy House Company, approved March 2d, 1839," was read a third time, and passed by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Aldrich, Allen of Greene, Archer, Baker, Brown, Craig, Cunningham, Dawson, Dubois, Dunn, Edmonson, Edwards, Elliott, Elkin, Emmerson, English, Ficklin, Gilham, Green of Clay, Green of Greene, Hardin, Harlan, Henderson, Henry, Holmes, Houston, Huey, Jarrott, John son, Jones, Kent, Kercheval, Lincoln, Marshall, McCormick, McCutchen, McWilliams, Menard, Nance, Naper, Otwell, Phillips, Rawalt, Read, Roberts, Roman, Simms, George Smith, Robert Smith, Stapp, Starr, Thomas of McLean, Turney, Walker of Fulton, Walker of Vermilion, Webb, Williams, Williamson, and Zimmerman—60.

Those who voted in the negative, are,

Messrs. Carpenter, Churchill, Cloud, Crain, Daley, Foster, Hankins, Happy, Harris, Moore, Morgan, Murphy of Cook, Murphy of Perry, and Pace—14.

On motion of Mr. Baker,

The vote just taken on the disposition of the communication from Mr. Dixon to this House was reconsidered; when,

The communication together with the accompanying documents, were read, and,

On motion of Mr. Happy,

Then returned to Mr. Dixon.

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that they have concurred with them in their amendments to the Senate bill for "An act to establish a ferry across the Illinois River."

They have also concurred with them in the passage of a bill of the following title, viz:

"An act to re-locate part of a State road therein named."

They have passed a bill of the following title, viz:

"An act to amend the several laws in relation to the Illinois and Michigan Canal."

In the passage of which bill they ask the concurrence of the House of Representatives.

They have concurred with them in their amendments to the Senate

bill for "An act to provide for the settlement of debts and liabilities incurred on account of Internal Improvements in the State of Illinois."

Senate bills of the following titles, were severally read a third time and passed, viz:

"An act in relation to the Charleston Seminary and Jonesboro' College;"

"An act legalizing the State road between Washington and Pekin."

Ordered, That the titles be as aforesaid, and that the Clerk inform the Senate thereof.

A bill for "An act to incorporate the City of Springfield," was read a third time, and passed by yeas and nays, as follows, viz:

Those voting in the affirmative, are,

Messrs. Able, Aldrich, Allen of Greene, Archer, Baker, Brown, Churchill, Craig, Daley, Dunn, Elliott, Elkin, Emmerson, Foster, Gilham, Hardin, Harlan, Henderson, Henry, Houston, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kercheval, Logan, Lincoln, McCormick, McCutchen, McWilliams, Menard, Murphy of Cook, Naper, Otwell, Phillips, Rawalt, Read, Roman, George Smith, Starr, Thomas of McLean, Walker of Fulton, Walker of Vermilion, Webb, Williams, Williamson, and Zimmerman—51.

Those voting in the negative, are,

Messrs. Cloud, Crain, Cunningham, Dawson, Dubois, Edmonson, Edwards, English, Ficklin, Green of Clay, Green of Greene, Happy, Harris, Holmes, Lyons, Marshall, McMillan, Moore, Morgan, Murphy of Perry, Nance, Pace, Roberts, Simms, Robert Smith, Stapp, Thomas of St. Clair, and Turney—28.

Senate bills of the following titles, were severally read a first time, and *Ordered* to a second reading; when,

The rules of the House were, on motion, dispensed with, and said bills were severally read a second and third time by their titles, and passed.

"An act to vacate the town plats of the towns therein named;"

"An act for the benefit of Wild Lodge, No. 5, in the town of Galena;"

"An act to incorporate the Madison County Ferry Company."

Ordered, That the titles be as aforesaid, and that the Clerk inform the Senate thereof.

A Senate bill, for "An act to amend an act to incorporate the Peoria Commercial Insurance Company, approved Febraaty 18th, 1837;" was read the first time, and

Ordered to a second reading.

A Senate bill, for "An act to abolish the Board of Public Works, and the Board of Fund Commissioners," was read a first time, and

Ordered to a second reading; and

On motion of Mr. Webb,

The rules of the House were dispensed with, and the bill now read the second time by its title, and

Ordered to a third reading.

Mr. Webb moved that the rules of the House be further dispensed with, and that the bill be now read a third time, which was not agreed to.

Mr. Moore from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles, to wit:

A bill for "An act to change the name of the county of Dane to that of Christian;"

A bill for "An act to amend an act entitled an act concerning the road from Warsaw to Quincy, approved February 22, 1839;"

A bill for "An act authorizing Ira Menard, Read Ferson, Bela T. Hunt and Darwin Millington, to build a dam across Fox river;"

A bill for "An act exempting certain articles from execution to those already exempt by the laws of this State."

And they have this day laid before the Council of Revision the above bills.

Mr. Elkin, from the committee on Engrossed Bills, reported as correctly engrossed, a bill for "An act to incorporate the Galena Trust Company."

A Senate bill for "An act for a State road from Dixon, via Rockford, on the east side of Rock river, to Beloit, &c.;" was read the first time, and

Ordered to a second reading; and

On motion,

The rules of the House were dispensed with, and the bill was now read a second time by its title.

Mr. Maus moved to amend the bill by adding the following as an additional section, viz:

"The Canal Commissioners are hereby required to pay over to contractors on the Illinois and Michigan Canal, all retained per centage, scaleage, and all damages sustained in consequence of the suspension of said canal. Provided that they may pay in State Bonds;" which was not agreed to.

On motion of Mr. Kent,

The bill was amended by adding the following as an additional section, viz:

"Sec. — The Wapello Manufacturing Company in Jo Daviess county and the Rockford Manufacturing Company in Winnebago county, be, and they are hereby authorized to complete such portions of the improvements of the navigation of Rock river as shall remain unimproved by the State. And to enable them to do so they are hereby authorized to increase their capital stock fifty thousand dollars each, and to establish one or more of their branches, in Rock Island and Whiteside counties, and to appoint such additional clerks, engineers and other officers or agents, as will be necessary to carry into effect this act.

For any improvements commenced by the State and not completed by the State, may take stock in said improvements to the amount of whatever money they may have actually expended on said works, respectively.

The Companies aforesaid, are authorized to purchase, and hold such real estate as may be necessary in constructing said improvements, and such as may be necessary for using the water power created by such improvements, and are authorized to construct dams, locks, canals, firebuys and other improvements necessary to the full use and enjoyment of the water privileges occasioned by said improvement, and to charge such toll as the Wabash Navigation Company may charge."

On motion of Mr. Kent,

The bill was further amended by striking out the word "Clarmont," and inserting the words, "the most eligible route." Also, strike out the name of "S. Patrie," and insert the name of "Seth Noble."

Mr. Dawson moved to amend the bill by adding the following as an additional section, viz:

"That January, Dunlap & Co., of Morgan county, and their associates be, and they are hereby created a body corporate and politic, by the name and style of the Northern Cross Rail Road Company. Said Company when created shall make a record of the names of all persons constituting said company, who may sue and be sued, plead and be impleaded, have a common seal, may alter and change the same at pleasure; said Company when properly organized may proceed to finish so much of the Northern Cross Rail Road as lies west of the east bank of the Sangamon river, and put the same into complete operation, and shall have the use of the locomotives now on the road, belonging to the State; and shall be at liberty to use and occupy all of said road as lies between the Illinois and Sangamon rivers, free of charge, and shall have the use of said road for the term of twenty years.

Provided, That said Company will at any time deliver over to the State the road, in good repair, by the State paying for the work done east of Jacksonville, by the State paying six per cent. on its cost. *Provided* the State ceases to finish said work."

Mr. McCormick moved to amend the amendment, as follows:

"By allowing Morgan and Sangamon counties to purchase the same, provided the State fails to do so, for the term of two years after the completion of the same;" which was not agreed to.

The question was then taken on the amendment of Mr. Dawson, and decided in the affirmative.

The bill was then,

Ordered to be engrossed for a third reading.

Senate bill for "An act to limit the duration of the office of Secretary of State;" was read the first time, and

Ordered to a second reading, by ayes and and noes as follows:

Those voting in the affirmative, are,

Messrs. Aldrich, Archer, Baker, Bowman, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elliot, Elkin, Ficklin, Gilham, Hardin, Harlan, Henderson, Henry, Holmes. Hull, Jarrott, Johnson, Jones, Kent, Lincoln, Lyons, Marshall, McCormick, McCutchen, McMillan, Menard, Otwell, Phillips, Rawalt, Read, Roberts, George Smith, Stapp, Starr, Thomas of McLean, Walker of Fulton, Webb and Williams—43.

Those who voted in the negative, are,

Messrs. Able, Allen of Greene, Brown, Carpenter, Churchill, Cloud, Crain, Daley, Edmonson, English, Foster, Green of Clay, Green of Greene, Happy, Harris, Houston, Huey, Kercheval, Logan, Maus, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Roman, Simms, Robert Smith, Thomas of St. Clair, Turney, Walker of Vermilion, Williamson and Zimmerman—36.

Mr. Webb moved to dispense with the rules of the House, and read the bill now a second time by its title; which was not agreed to.

Senate bill for "An act to amend the several laws in relation to the Illinois and Michigan Canal;" was read the first time, and

Ordered to a second reading, and

On motion of Mr. Elkin,

The rule of the House was dispensed with, and the bill now read the second time by its title.

On motion of Mr. Hardin,

The fifth and sixth sections of the bill were stricken out.

Mr. Archer moved to amend the bill as follows:

Strike out all of section 9 after the word 'that,' in the 11th line, and insert 'three fourths of the amount issued, shall be in sums not less than one hundred dollars, and the remaining fourth may be issued in sums less than one hundred dollars but not less than ten dollars.

On motion of Mr. Murphy of Cook,

The proposed amendment was laid on the table.

Mr. Murphy of Cook, moved the previous question; which was sustained. And the bill as amended,

Ordered to a third reading.

On motion of Mr. Hardin,

The bill for "An act to abolish the Board of Commissioners of Public Works and the Board of Fund Commissioners;" was taken up for consideration, and the rules of the House being dispensed with, the same was read the third time by its title and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

On motion of Mr. Hardin,

The rule of the House was dispensed with; and the bill for "An act to amend the several laws in relation to the Illinois and Michigan Canal;" was taken up again for consideration, and

On motion of Mr. Naper,

The rules of the House was dispensed with, and the bill now read a third time by its title; and

Mr. Otwell moved to amend the 4th section by striking out $5, the per diem allowance to appraisers, and insert $4; which was not agreed to.

Mr. Carpenter moved to amend the bill by striking out the ninth section; which was not agreed to.

When the bill as amended was passed by ayes and noes as follows:

Those voting in the affirmative, are,

Messrs. Able, Aldrich, Allen of Greene, Archer, Baker, Brown, Churchill, Cloud, Craig, Crain, Daley, Dawson, Dunn, Edmonson, Edwards, Elkin, English, Gilham, Green of Clay, Green of Greene, Happy, Hardin, Harlan, Harris, Henderson, Houston, Hull, Jarrott, Jones, Kent, Kercheval, Logan, Lincoln, Marshall, Maus, McCutchen, McWilliams, Menard, Moore, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Rawalt, Read, Roberts, Roman, George Smith, Robert Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Webb, Williams, Williamson and Zimmerman—60.

Those who voted in the negative, are,

Messrs. Bowman, Carpenter, Cunningham, Dubois, Elliott, Emmerson, Ficklin, Foster, Henry, Holmes, Huey, Johnson, Lyons, McCormick, McMillan, Morgan, Otwell, Phillips, Simms and Turney—20.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles, viz:

A bill for "An act to provide for the completion of work under contract

on the Great Wabash river, under the compact between the States of Indiana and Illinois;"

And a bill for "An act to amend an act entitled an act to incorporate the Peoria Insurance Company, approved February 18th, 1837."

Mr. English, from the committee on Engrossed bills, report as correctly engrossed, bills of the following titles, to wit:

"An act regulating the fees of jurors and witnesses;"

"An act to amend an act in relation to the school fund in Cook county;"

"An act authorizing the Canal Commissioners to rectify a mistake in the sale of a certain lot in La Salle county;"

"An act for the relief of contractors and adjustment of claims against the State."

A message from the Council of Revision, by Mr. Hubbard, their Secretary:

Mr. Speaker: The Council of Revision have directed me to inform the House that they have approved of bills of the following titles, to wit:

"An act to amend an act incorporating the Calhoun Coal and Mining Company;"

"An act in relation to the State Bank of Illinois;"

"An act to incorporate Georgetown, in the county of Randolph;"

"An act to incorporate the Middleton Steam Mill Company;"

"An act relating to certain records in the counties of Franklin, Williamson, Morgan and Cass;"

"An act to change a part of the State road leading from Griggsville to Quincy;"

"An act to incorporate the towns therein named;"

"An act to vacate the town plat of the town of Washington;"

"An act to change the name of the Kaskaskia Insurance Company;"

"An act concerning attachments."

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have adopted the following resolution, viz:

"*Resolved by the Senate, the House of Representatives concurring herein*, That both Houses meet in the Hall of the House of Representatives on Saturday evening, the 1st day of February, at 7 o'clock, P. M., for the purpose of electing a Treasurer of the Canal Board; three persons to revise the laws of this State; one Fund Commissioner; and three Commissioners of Public Works."

In the adoption of which resolution, they ask the concurrence of the House.

Mr. Stapp from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles, viz:

"An act to alter a State road therein named;"

"An act to authorize Samuel Leech to build a toll bridge across the Little Wabash River;"

"An act disposing of the timbers and rock belonging to the State, which were intended to be used by the State in building a bridge across the Kaskaskia River at Carlyle;"

"An act for the purposes therein named." When,

On motion,

The House adjourned.

SATURDAY, February 1, 1840.

House met pursuant to adjournment.

On motion of Mr. Cunningham,

The reading of the Journal of yesterday was dispensed with.

Mr. Cunningham from the select committee, to which was referred the bill for "An act to re-locate a State road from Charleston to Andrew Wilson's in Macon county;" reported the same back to the House, and

On motion of Mr. Williamson,

The same was amended by inserting the name of

And on the further motion of Mr. Williamson,

The rule of the House was dispensed with, and the bill now read a third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the House amendments thereto.

On motion of Mr. Dawson,

The rule of the House was dispensed with, and the bill for "An act to incorporate the Coal Bank Bridge Company;" was taken up for consideration, and the amendments of the Senate thereto were concurred in:

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Elkin,

The rule of the House was dispensed with, and the bill for "An act to amend an act to incorporate the Peoria Commercial Insurance Company, approved February 18th, 1837;" was taken up for consideration, and

The rules of the House further dispensed with, and bill now read the third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in its passage.

Mr. Turney from the select committee, to which was referred the bill for "An act concerning the Fairfield Institute;" reported the same back to the House, and

On motion of Mr. Elkin,

The same was laid on the table.

Mr. Murphy of Perry, from the committee of Internal Improvements, to which was referred the bill for "An act for the relief of contractors on Public Works in this State;" reported the same back to the House with amendments; and

On motion of Mr. Murphy of Perry,

The same were laid on the table.

Mr. Stapp from the committee on Enrolled Bills, reported as correctly enrolled, a bill for "An act to incorporate the Hamilton Primary School."

On motion of Mr. Stapp,

The House bill for "An act to amend an act, concerning the public revenue, approved February 26th, 1839;" was taken up for consideration,

And the Senate amendments thereto were concurred in by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Aldrich, Baker, Bowman, Brown, Carpenter, Craig, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Gilham, Green of

Clay, Hardin, Harlan. Henderson, Henry, Holmes, Huey, Hull, Jarrott, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, McWilliams, Menard, Morgan, Murphy of Cook, Nance, Otwell, Phillips, Rawalt, Read, Roberts, Roman, George Smith, Robert Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Fulton, Webb, and Williams—52.

Those voting in the negative, are,

Messrs. Able, Allen of Greene, Archer, Churchill, Cloud, Crain, Cunningham, Daley, Edmonson, English, Foster, Green of Greene, Happy, Harris, Houston, Johnson, Kercheval, Moore, Murphy of Perry, Naper, Williamson, and Zimmerman—22.

A message from the Senate by Mr. Bond, their Secretary.

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that they have concurred with them in their amendments to the bill entitled "An act to vacate a State road in Pike county."

They have also concurred with them in the passage of bills of the following titles, viz:

"An act to locate the county seat of Stark county, and to extend the limits of said county;"

"An act to legalize the acts of certain officers of Henry county, and for other purposes;"

"An act fixing the time of holding the summer term of the Supreme Court;"

"An act to incorporate the Hamilton Primary School;"

"An act to legalize the acts of the Commissioners of Champaign county;"

"An act in relation to the publication of the reports of the Supreme Court of the State of Illinois."

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the passage of a bill from the House for "An act, making additional appropriations for the years 1839 and 1840," as amended by them.

In which amendments, they ask the concurrence of the House.

They have also concurred with them in their amendments to the Senate bill for "An act to re-locate a certain State road in Pike county."

Mr. Stapp from the committee on Finance, to which was referred a communication from John Tillson, Esq., Fund Commissioner, made a report, which was read, and

Mr. Williams offered for adoption the following resolution:

"*Resolved*, That the charges made in the Illinois State Register, of the 25th inst., against John Tillson, are unfounded;" when,

On motion of Mr. Moore,

The report and resolution were laid on the table.

On motion of Mr. Happy,

The bill for "An act for the relief of contractors on Public Works in this State;" was taken up for consideration, and

On motion of Mr. Murphy of Perry,

The reported amendments of the Internal Improvement Committee were amended as follows:

"That where drafts have heretofore been, or that hereafter shall be drawn by any of the Commissioners of the Board of Public Works, or the Fund

Commissioners, for balances due contractors for work done on any of the railroads in this State, or to any other persons for other liabilities embraced in "An act to establish and maintain a general system of Internal Improvements, and all acts supplemental thereto," and those drafts shall not have been paid by the said Fund Commissioners, it shall be the duty of the Commissioners of the Board of Public Works, to give other drafts in lieu thereof, drawing interest at the rate of six per cent. per annum: *Provided*, that no such renewed or substituted draft shall be for a less sum than one hundred dollars. When,

The report of the committee as amended, was concurred in.

On motion of Mr. Menard,

The 18th section was amended by inserting before the word "par" the words "not less than."

Mr. Crain moved to amend the bill by adding the following:

"That operations on the Central Railroad from Cairo to Peru be continued to completion as contemplated in the act to establish and maintain a general system of Internal Improvements, approved February 27th, 1837; and that contractors on all other railroads in this State are hereby permitted to transfer their contracts to the above mentioned road, and all damages arising on account of such transfer to contractors are to be estimated by the engineer in charge of the work thus transferred, and said damages when so assessed, shall be paid by the State, and all the means now in the State to carry on a system of Internal Improvements, shall be applied to the further completion of the above mentioned road, and shall be under the control of the proper officers who may be in office at the close of this session of the Legislature, whose duty it shall be to carry out the object above specified, and report their proceedings to the next Legislature of this State." Which proposed amendment,

On the motion of Mr. Jarrott,

Was laid on the table.

On motion of Mr. Hardin,

The bill was further amended by adding the following:

"And no new contracts shall hereafter be let out by the Board of Public works." When,

The bill as amended was read the third time, and passed.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence in said amendments.

On motion,

The rules of the House were dispensed with, and the bill for "An act making additional appropriations for the years 1839 and 1840;" was taken up for consideration; and on concurring with the Senate in their amendments to the same.

Mr. English demanded a division of the question, so as first to take the vote on concurring with the Senate in striking out the proposed appropriation of $60 for services of Clerk to Internal Improvement committee of the House.

And said amendment was concurred in by yeas and nays as follows:

Those voting in the affirmative, are,

Messrs. Aldrich, Baker, Bowman, Brown, Carpenter, Churchill, Crain, Cunningham, Dawson, Dubois, Edmonson, Edwards, Elliott, Elkin, Emmerson, Gilham, Green of Greene, Hankins, Hardin, Harlan, Harris,

Henderson, Henry, Huey, Johnson, McCormick, McCutchen, McMillan, Murphy of Cook, Otwell, Pace, Phillips, Rawalt, Read, Roberts, Stapp, Starr, Thomas of McLean, Walker of Fulton, and Wood—40.

Those voting in the negative, are,

Messrs. Able, Allen of Greene, Archer, Cloud, Craig, Daley, Dunn, English, Ficklin, Foster, Green of Clay, Happy, Holmes, Houston, Hull, Jarrott, Jones, Kent, Kercheval, Kerr, Logan, Lincoln, Marshall, Menard, Moore, Morgan, Murphy of Perry, Nance, Naper, Roman, George Smith, Robert Smith, Thomas of St. Clair, Turney, Walker of Vermilion, Williams, Williamson, and Zimmerman—38.

Mr. Edwards moved to reconsider the vote just taken on concurring with Senate amendment; which was not agreed to.

Mr. Elkin moved the previous question; which was sustained.

And the amendments of the Senate were all concurred in.

Ordered, That the Clerk inform the Senate thereof.

Engrossed Bill for "An act to amend an act entitled an act to incorporate the Peoria Commercial Insurance Company, approved February 18th, 1837."

The rules being dispensed with, was taken up and read the third time, and

On motion of Mr. Starr,

Was amended by striking out the three first sections, and passed, and

On motion of Mr. Williams,

The title was amended so as to read as follows:

"An act to amend the charter of the Quincy Insurance Company."

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence in its passage.

On motion of Mr. Naper,

The rules of the House were dispensed with, and the bill for "An act for the relief of Stuart, Sanger, and Wallace," was taken up for consideration, and read the third time, and passed; and

On motion of Mr. Naper,

The title was amended to read as follows:

"An act supplemental to an act in relation to the State Bank of Illinois."

Ordered, That the title be as amended, and that the Clerk inform the Senate thereof, and ask their concurrence in its passage.

Mr. Roman from the select committee to which was referred the bill for "An act for the relief of certain persons in a certain case, on the Little Wabash river," reported the same back to the House with an amendment; which was concurred in, and the bill

Ordered to be engrossed for a third reading.

The Senate resolution for going into the elections of a Treasurer of the Canal Board, three Revisers of the Laws, three acting Commissioners, and a Fund Commissioner, this evening at 7 o'clock; was taken up and concurred in.

Mr. Moore from the committee on Enrolled Bills, report as correctly enrolled, bills of the following titles, to wit:

A bill for "An act to legalize the assessment of taxes taken in the counties of McHenry and Stark, in the year 1839;"

"An act to amend an act concerning Justices of the Peace and Constables, approved February 3, 1827;"

"An act to authorize Sherland Rose to build a toll bridge across Fever river at Galena, in the county of Joe Daviess;"

"An act to establish a State road from Petersburg, in Menard county, to Waverly, in Morgan county;"

"An act authorizing Commissioners Courts to alter, change, and relocate State roads."

They have also laid before the Council of Revision the above bills.

A message from the Senate, by Mr. Bond, their Secretary.

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the passage of bills of the following titles, viz:

"An act regulating the time of holding the Court in the counties of Clinton and Bond;" and

"An act to amend the several laws in relation to appeals, approved February 1st, 1840."

Mr. Zimmerman from the select committee, to which was referred the preamble and resolutions in relation to the Judges of the Supreme Court, made a report, which without reading, was laid on the table.

Mr. Hardin from the minority of the same select committee, made a report; which, without reading, was laid on the table.

On motion of Mr. English,

The following resolution was unanimously adopted:

Resolved unanimously, That the thanks of this House be tendered to the Hon. William Lee D. Ewing, Speaker of this House, for the able, impartial, and honorable manner in which he has discharged the arduous duties of the Chair. When,

On motion,

The House adjourned till 2 o'clock, P. M.

Which was decided by yeas and nays as follows:

Those voting in the affirmative, are,

Messrs. Archer, Bowman, Carpenter, Churchill, Cloud, Craig, Dawson, Dubois, Dunn, Edwards, Elkin, Foster, Happy, Harlan, Henderson, Houston, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Logan, McCormick, Menard, Moore, Nance, Naper, Otwell, Phillips, Rawalt, Roman, Thomas of McLean, Thomas of St. Clair, and Walker of Fulton—35.

Those voting in the negative, are,

Messrs. Allen of Greene, Crain, Cunningham, Daley, English, Ficklin, Gilham, Green of Greene, Hankins, Hardin, Henry, Holmes, Lincoln, Murphy of Cook, Murphy of Perry, Pace, Read, George Smith, Robert Smith, Starr, Turney, Williamson, and Zimmerman—23.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Crain moved a call of the House.

Mr. Zimmerman moved that the House adjourn; which was not agreed to.

During the pendency of the call of the House, a bill for "An act for

the relief of certain securities therein named," was taken up for consideration.

Mr. Jarrott moved to amend the amendments of the Senate, by adding the following as an additional section, viz:

"The Auditor is hereby authorized and required to issue his warrant in favor of J. A. Townsend for sixty dollars, to pay him for fifteen days actually employed by the Committee on Internal Improvements at its present session."

Mr. Dawson moved to lay the proposed amendment on the table; which was not agreed to.

The question was then taken on agreeing to the amendment offered by Mr. Jarrott, and agreed to.

Mr. Walker of Vermilion moved further to amend the bill, by striking out all after the enacting clause, and insert the following, viz:

"Sec. 1. That when any execution shall be issued out of any of the courts of this State, and shall be levied on any real estate, it shall be the duty of the officer levying such execution, to summon three house-holders of the county; one of whom shall be chosen by such officer; one by the plaintiff; and the third by the defendant. In the execution, or in default of their making such choice, the officer to choose for them; which house-holders, after being duly sworn by such officer so to do, shall impartially value the property upon which said execution is levied, over and above all incumberances, and shall endorse the valuation upon the execution, or on a paper thereto attached, signed by them; and when such property is offered for sale, the same shall not be struck off, unless one half of such valuation, after deducting all incumberances, shall be bid therefor. *Provided*, That the execution creditor shall not be compelled to take such property at one half of its valuation, but may retain his judgment, which shall operate as a lien upon such property so valued, and no other, until the same will bring one half of the valuation. *Provided*, That the plaintiff in any execution may elect on what property he will have the same levied, except the land on which the defendant resides, which shall be last taken in execution. And, *Provided* also, That when any real estate shall be taken in execution, if the same be susceptible of division, it shall be sold in such quantities as may be necessary to satisfy such execution; and it shall be the duty of the clerk to issue execution against the defendant on any judgment, at the request of any other judgment creditors.

"Sec. 2. That when debt is secured by mortgage on real estate, the creditor shall first resort to the property so mortgaged, before levying on any other property; which real estate so mortgaged, shall be sold according to the provisions of the first section of this act."

Which was not agreed to.

When the amendments of the Senate were concurred in, as amended by the House.

A message from the Senate by Mr. Bond, their Secretary.

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of bills of the following titles, viz:

" An act fixing the the time of holding the Circuit Courts in the eighth judicial circuit;"

"An act to incorporate the Springfield Mechanics' Union;"

"An act concerning the revenue in Clay county;"

"An act to locate a State road in the county of Washington;"

"An engrossed bill for 'an act to incorporate the town of Jacksonville;'" was read the third time and passed; and,

On motion of Mr. Hardin,

The title was amended by adding at the end thereof the words "and for other purposes."

Ordered, that the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

The engrossed bill for an act was taken up for consideration.

Mr. McCormick moved for adoption the following amendment:

"The Auditor of Public Accounts, the State Treasurer and the Secretary of State, are hereby autorized and required to examine the books, vouchers, contracts and correspondence of the State House Commissioners, and the correspondence between the Commissioners on all subjects in relation to the State House, or any of the transactions in connexion with the State House; and what number of hands and teams have been employed, and what price has been given to each hand per day, and the total amount paid to each hand or team; and what amount of the appropriations have been drawn and expended, and what amount are yet on hand; and whether said balance is deposited in Bank according to law, or whether deposited with an individual or company, and whether employed as private banking capital; *provided* further, that they examine and endeavor to ascertain what amount of money has been realized from the sale of rock, lime, sand, brick, lumber or timber, and to whom sold, and for what reason; and also what work has been undertaken by the Commissioners, or any one of them; and by whom the said work was done, and what amount was received for it; and whether said sums were credited to the State at the time the work was done; and they shall, if necessary, examine persons on oath for the purpose of ascertaining the facts in relation to the State House, or any transaction in connexion with it; and for that purpose they are hereby authorized to summon persons, and compel their attendance; and if in their opinion, after having made the examination, guilt exists with the Commissioners or any one of them, to such extent as to justify a suit, they shall inform the attorney general thereof; and he shall commence a suit immediately against said Commissioners or any one of them. And the Auditor of Public Accounts, the State Treasurer and Secretary of State, shall each be entitled to two dollars per day during the time they are engaged in making said examination."

Which was not agreed to.

On motion of Mr. Pace,

The bill was amended by striking out the word "appointed," and inserting "elected."

On motion of Mr. English,

The vote on the amendment offered by Mr. McCormick was re-considered, and the amendment agreed to; when the bill as amended was passted. And,

On motion of Mr. Pace,

The title of the bill was amended so as to read, "An act in relation to the State House Commissioners."

The rule of the House being dispensed with, Mr. Walker of Vermilion, from the minority of the committee on Finance, made a report in relation to the charges against John Tillson, Esq., Fund Commissioner, &c; which being read,

On motion of Mr. Williams,

The resolution reported by the majority of the committee on the same subject, was taken up for consideration; and,

On motion of Mr. English,

The minority report was laid on the table.

The question being on the adoption of the resolution reported by the majority of the committee, declaring that the charges preferred against Mr. Tillson in the State Register were unfounded,

Mr. Edwards moved the previous question; which was sustained. And the question being on the adoption of the resolution, Mr. Williams and Mr. Walker of Vermilion demanded the ayes and noes.

And the call having proceeded partially through the list, was withdrawn by Mr. Williams; and,

On motion of Mr. Edwards,

The motion for the previous question was re-considered; and,

On motion of Mr. Marshall,

The resolution was laid on the table.

Mr. Moore from the committee on enrolled bills, reported as correctly enrolled the following bills, to wit:

"An act fixing the times of holding the circuit courts in the eighth judicial circuit;"

"An act to amend an act concerning the public revenue, approved February 26, 1839;"

"An act making additional appropriations for the years 1839 and 1840."

And they have this day laid before the Council of Revision the above bills.

Mr. Elkin from the committee on engrossed bills, reported as correctly engrossed a bill for "An act for the relief of certain persons in a certain case on the Little Wabash River."

Which was immediately taken up for consideration, the rules of the House being dispensed with, and read the third time and passed; and,

On motion of Mr. Webb,

The title was amended so as to read, "An act concerning the Little Wabash River."

Ordered, That the title be as amended, and that the Clerk inform the Senate thereof, and ask their concurrence in its passage.

Engrossed bill for "An act for a State road from Dixon via Rockford, on the east side of Rock River, &c;" was read the third time; when,

On motion of Mr. Henry,

The bill was amended and the last section stricken out.

Mr. Thomas of St. Clair moved to lay the bill and amendments on the table; which was not agreed to. When,

On motion of Mr. Daley,

The bill was amended by striking out all after the three first sections, and passed as amended.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the House amendments.

Senate bills for "An act authorizing Charles G. Thomas to keep a ferry across the Mississippi River," and "An act to incorporate the Galena Mining, Smelting and Hydraulic Company;" were severally read the first time, and

Ordered to a second reading; and

On motion,

The rules of the House were dispensed with, and the bills now read the second and third times by their titles, and passed.

Ordered, That the titles be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. Moore from the committee on enrolled bills, reported as correctly enrolled the following bills, to wit:

"An act to incorporate the Sangamon Coal Bank Bridge Company;"

"An act concerning the revenue in Clay county;"

"An act to legalize the acts of the Commissioners of Champaigne county;"

"An act to incorporate the Springfield Mechanics' Union;"

"An act to locate a State road in the county of Washington."

And they have this day laid the above bills before the Council of Revision.

Senate bill for "An act further to amend the several acts in relation to common schools;" was read the first time, and

Ordered to a second reading; and

On motion,

The rules of the House were dispensed with, and the bill now read a second time by its title, and

Ordered to a third reading.

Mr. Zimmerman moved that the House adjourn; which was not agreed to.

When a call of the House was demanded; and during the pendency of the call,

Mr. Webb from the committee on the Judiciary, to which was referred a resolution in relation to probate justices of the peace, reported the following as a substitute:

Resolved by the Senate and House of Representatives, That the joint resolution heretofore passed, authorizing the printing of 1000 copies of Reports, be so modified as to authorize the printing of 2000 copies; which was concurred in.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Craig from the select committee, appointed to examine into the official conduct of the Board of Public Works, made a report; which, without reading, was, with accompanying documents, laid on the table.

Further proceeding under the call of the House being dispensed with, the House resumed the further consideration of the bill for "An act further to amend the several laws in relation to common schools;" when

Mr. Robert Smith moved the previous question; which was sustained, and the bill

Ordered to a third reading; when, on motion,

The rules of the House were dispensed with, and the bill now read a third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the passage of a bill from the House, for "An act to authorize the Board of Public Works to audit and settle the accounts of Edward Smith, deceased.

Mr. Moore, from the committee on Enrolled Bills, report as correctly enrolled, the following bills:

A bill for "An act to relocate part of a State road therein named;"

A bill for "An act fixing the time of holding the summer term of the Supreme court;"

A bill for "An act to locate the county seat of Stark, and to extend the limits of said county;"

A bill for "An act to legalize the acts of certain officers of Henry county, and for other purposes;"

A bill for "An act in relation to the publication of the reports of the decisions of the Supreme Court of the State of Illinois."

And they have this day laid before the Council of Revision the above bills.

Senate bill for "An act to authorize Charles G. Thomas to keep a ferry across the Mississippi river;" was read the first time, and

Ordered to a second reading; and

On motion,

The rules of the House were dispensed with, and the bill now read a second time by its title, and passed.

Ordered, That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Bond, their Secretary.

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that they have concurred with them in their amendments to Senate bills of the following titles, to wit:

"An act to amend the several laws in relation to the Illinois and Michigan Canal;"

"An act to incorporate the city of Springfield;"

"An act to locate a State road therein named;"

"An act to incorporate the city of Quincy."

On motion of Mr. Webb,

Leave was granted to Mr. McFarland & Co. to withdraw certain papers from the possession of the House.

Mr. Moore, from the committee on Enrolled Bills, reported as correctly enrolled, the following bills:

"An act to authorize the Board of Public Works to audit and settle the accounts of Edward Smith, deceased;"

"An act for the relief of certain securities therein named;" when,

On motion,

The House adjourned till 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

House met pursuant to adjournment.

A message from the Senate by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate, to inform the House of Representatives that they have concurred with them in their amendments to Senate bills of the following titles, viz:

"An act for the relief of Contractors on Public Works, in this State;"

"An act for the relief of certain securities therein named."

They have also concurred with the House of Representatives in the passage of bills of the following titles, viz:

"An act supplemental to an act to authorize and require the School Commissioner of Sangamon county to pay over certain school funds to the School Commissioners of Menard, Logan and Dane counties;" and

"An act to incorporate the town of Jacksonsville, and for other purposes;" and

"An act concerning the Little Wabash river."

They have indefinitely postponed the further consideration of the following bills, from the House of Representatives, viz:

"An act to incorate the Springfield Marine and Fire Insurance Company;"

"An act in relation to special bail."

A message from the Council of Revision by Mr. Hubbard, their Secretary.

Mr. Speaker: I am directed by the Council of Revision, to inform this House that they have approved of acts of the following titles, to wit:

"An act exempting certain articles from execution in addition to those already exempt by the laws of this State;"

"An act to change the name of the county of Dane to that of Christian;"

"An act to amend an act entitled an act concerning the road from Warsaw to Quincy, approved Feb. 22, 1839;"

"An act authorizing the re-valuation of Section 16, in certain cases;"

"An act concerning Sheriffs, Constables, Justices of the Peace, and Probate Justices of the Peace;"

"An act authorizing the County Commissioners of Union county to borrow money for certain purposes;"

"An act for the relief of John G. McHatton;"

"An act to re-survey a portion of the State road leading from Decatur to Danville;"

"An act supplemental to an act to incorporate the Bainbridge Academy, approved March 2d, 1839;"

"An act to incorporate the St. Clair Steam Mill Company;"

"An act to amend an act to create and establish the county seat of Jersey;"

"An act to change part of a State road from Naperville, in Du Page county, to Indian Creek, in McHenry county;"

"An act supplemental to an act entitled an act to authorize the inhabitants of Cahokia to raise a levee on the creek bank opposite the town of Cahokia;"

"An act authorizing Ira Menard, Read Ferson, Bela T. Hunt and Darwin Middleton to build a dam across Fox river;"

"An act to legalize the assessment of taxes taken in the counties of McHenry and Stark in the year 1839;"

"An act to amend an act concerning Justices of the Peace and Constables, approved February 3d, 1827;"

"An act to establish a State road from Pittsburgh, in Munroe county, to Waverly, in Morgan county;"

"An act authorizing Commissioners Courts to alter, change and relocate State roads;"

"An act to authorize Sherland Rose to build a toll bridge across Fever river at Galena, in the county of Jo Davies;"

"An act to re-locate part of a State road therein named;"

"An act to incorporate the Hamilton primary school;"

"An act to legalize the acts of certain officers of Henry county, and for other purposes;"

"An act fixing the time of holding the summer term of the Supreme Court;"

"An act to locate the county seat of Stark, and to extend the limits of said county;"

"An act making additional appropriation for the years 1839 and '40;"

"An act in relation to the publication of the reports of the decisions of the Supreme Court of the State of Illinois;"

"An act fixing the time of holding the circuit court in the eighth judicial circuit;"

"An act to amend an act concerning the public revenue, approved Feb. 26, 1839."

Mr. Dawson moved for adoption the following preamble and resolution:

Whereas, there is much unfinished business now before the legislature, important to the interests of the people. *And whereas*, it is necessary that such business should be completed before the legislature adjourns—

Therefore resolved by the General Assembly, That the resolution fixing on Monday next, at 8 o'clock, A. M. for the final adjournment of this Legislature, be, and is hereby rescinded; and that both Houses will adjourn sine die on Wednesday, the fifth instant at 8 o'clock, A. M.

Mr. Henry moved to lay the resolution on the table; which was not agreed to by ayes and noes as follows:

Those who voted in the affirmative, are,

Messrs. Able, Aldrich, Baker, Carpenter, Churchill, Cloud, Crain, Dubois, Dunn, Edmonson, Elliott, Elkin, Emmerson, Foster, Green of Greene, Hankins, Happy, Harris, Jarrott, Jones, Logan, Maus, Menard, Moore, Morgan, Naper, Otwell, Pace, Phillips, Rawalt, Read, Roman, George Smith, Robert Smith, Thomas of McLean, Turney, Walker of Fulton, Walker of Vermilion, Wood and Zimmerman—40.

Those who voted in the negative, are,

Messrs. Allen of Greene, Archer, Bowman, Brown, Craig, Cunningham, Daley, Dawson, Edwards, English, Ficklin, Gilham, Green of Clay, Hardin, Harlan, Henderson, Henry, Holmes, Houston, Huey, Hull, Johnson, Kent, Kercheval, Kerr, Lincoln, Lyons, Marshall, McCormick, McCutchen, McWilliams, Murphy of Cook, Murphy of Perry, Roberts, Stapp, Starr, Thomas of St. Clair, Webb, Williams, Williamson and Mr. Speaker—41.

When the Senate, preceded by their Speaker, appeared in the Hall of House of Representatives.

And the two branches of the Legislature proceeded to the election of certain public officers, in conformity with the joint resolution of the General Assembly. When,

On motion of Mr. Moore,

The two Houses proceeded to the election of Treasurer of the Canal Board; and the vote being taken, it appeared that,

David Prickett received fifty four votes.

Moore received thirty eight votes.

Hubbard received twelve votes.

Wm. L. May received sixteen votes.

Those who voted for Mr. Prickett, are,

Messrs. Allen, Borough, Gibbs, Hacker, Johnston, Markley, Mitchell, Nunnally, Parrish, Richardson, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—16.—*of the Senate.*

And,

Messrs. Able, Aldrich, Allen of Greene, Brown, Carpenter, Churchill, Cloud, Crain, Daley, Edmonson, English, Ficklin, Foster, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Huey, Kercheval, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Robert Smith, Stapp, Thomas of St. Clair, Turney, Walker of Fulton, Williamson, Wood, Zimmerman and Mr. Speaker—38.—*of the House of Representatives.*

Those who voted for Mr. Moore, are,

Messrs. Blackwell, Butler, Churchill, Greer, Hamlin, Hunter, Little, Moore, Monroe, Murray, O'Rear, Ross, Servant and Sergeant—14.—*of the Senate.*

And

Messrs. Archer, Bowman, Craig, Cunningham, Dunn, Emmerson, Gilham, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kerr, McCutchen, Menard, Otwell, Phillips, Rawalt, Read, Roberts, Roman, George Smith and Starr—24.—*of the House of Representatives.*

Those who voted for Mr. Hubbard, are,

Messrs. Bostick, Davidson, Fithian and Harrison—4.—*of the Senate.*

And

Messrs. Elliott, Hardin, Logan, Lyons, Marshall, Maus, Walker of Vermilion and Webb—8.—*of the House of Representatives.*

Those who voted for Mr. May, are,

Messrs. Browning, Gatewood, Herndon and Mills—4.—*of the Senate.*

And

Messrs. Baker, Dawson, Dubois, Edwards, Elkin, Harlan, Henderson, Kent, Lincoln, McCormick, Thomas of McLean and Williams—12.—*of the House of Representatives.*

No person having received a majority of all the votes given, the two Houses proceeded to a second vote. When,

Mr. Prickett received fifty eight votes;

Mr. Moore received forty nine votes;

Mr. Hubbard received four votes;

Mr. May received nine votes.

Those who voted for Mr. Prickett, are,

Messrs. Allen, Borough, Bostwick, Gibbs, Hacker, Johnston, Markley, Mitchell, Nunnally, Parrish, Richardson, Ross, Stadden, Warren, Weatherford, Witt, Woodworth, and Wood—18.—*of the Senate.*

And

Messrs. Able, Aldrich, Allen of Greene, Brown, Carpenter, Churchill, Cloud, Crain, Daley, Edmonson, English, Ficklin, Foster, Green of Clay, Green of Greene, Hankins, Harris, Happy, Houston, Huey, Kercheval, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Roman, Robert Smith, Stapp, Thomas of St. Clair, Turney, Walker of Fulton, Walker of Vermilion, Williamson, Wood, Zimmerman, and Mr. Speaker—40.—*of the House of Representatives.*

Those who voted for Mr. Moore, are,

Messrs. Blackwell, Browning, Butler, Churchill, Davidson, Fletcher, Greer, Hamlin, Hunter, Harrison, Little, Mills, Moore, Monroe, Murray, O'Rear, Servant, and Sergeant—18.—*of the Senate.*

And

Messrs. Archer, Bowman, Craig, Cunningham, Dubois, Dunn, Elliott, Emmerson, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kerr, Lincoln, Marshall, McCutchen, Menard, Otwell, Phillips, Rawalt, Read, Roberts, George Smith, Starr, Thomas of McLean, Webb, and Williams—31.—*of the House of Representatives.*

Those who voted for Mr. Hubbard, are,

Mr. Fithian—1.—*of the Senate.*

And

Messrs. Logan, Lyons, and Maus—3.—*of the House of Representatives.*

Those who voted for Mr. May, are,

Messrs. Gatewood and Herndon—2.—*of the Senate.*

And

Messrs. Baker, Dawson, Edwards, Elkin, Harlan, Kent, and McCormich—7.—*of the House of Representatives.*

No person having yet received a majority of all the votes given, the two branches proceeded to a third vote. When

Mr. Prickett received fifty eight votes;

Mr. Moore received sixty votes;

Scattering three.

Those who voted for Mr. Prickett, are,

Messrs. Allen, Borough, Bostwick, Gaston, Gibbs, Hacker, Johnston, Markley, Mitchell, Nunnally, Parrish, Richardson, Stadden, Warren, Weatherford, Witt, Woodworth, and Wood—18.—*of the Senate.*

And

Messrs. Able, Aldrich, Allen of Greene, Brown, Carpenter, Churchill, Cloud, Crain, Daley, Edmonson, English, Foster, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Huey, Kercheval, Maus, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Roman, Robert Smith, Stapp, Thomas of St. Clair, Turney, Walker of Fulton, Walker of Vermilion, Williamson, Wood, Zimmerman, and Mr. Speaker—40.—*of the House of Representatives.*

Those who voted for Mr. Moore, are,

Messrs. Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Greer, Hamlin, Hunter, Harrison, Little, Mills, Moore, Monroe, Murray, O'Rear, Ross, Servant, and Sergeant—19.—*of the Senate.* And

Messrs. Archer, Baker, Bowman, Craig, Cunningham, Dawson, Dubois Dunn, Edwards, Elliott, Elkin, Emmerson, Gilham, Hardin, Harlan, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Logan, Lincoln, Lyons, Marshall, McCormick, McCutchen, Menard, Otwell, Phillips, Rawalt, Read, Roberts, George Smith, Starr, Thomas of McLean, Webb, and Williams—41.—*of the House of Representatives.*

No person having yet received a majority of all the votes given, the two Houses proceeded to a fourth vote. When,

Mr. Prickett received sixty votes;

Mr. Moore received fifty nine votes;

Scattering, two votes.

Those who voted for Mr. Prickett, are,

Messrs. Allen, Borough, Bostwick, Gaston, Gibbs, Hacker, Hunter, Johnston, Markley, Mitchell, Nunnally, Parrish, Richardson, Stadden, Warren, Weatherford, Witt, Woodworth, and Wood—19.—*of the Senate.*

And

Messrs. Able, Aldrich, Allen of Greene, Brown, Carpenter, Churchill, Cloud, Crain, Daley, Edmonson, English, Ficklin, Foster, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Hucy, Kercheval, Logan, Maus, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Roman, Robert Smith, Thomas of St. Clair, Turney, Walker of Fulton, Walker of Vermilion, Williamson, Wood, Zimmerman, and Mr. Speaker—41.—*of the House of Representatives.*

Those who voted for Mr. Moore, are,

Messrs. Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Greer, Hamlin, Harrison, Little, Mills, Moore, Monroe, Murray, O'Rear, Ross, Servant, and Sergeant—18.—*of the Senate.*

And

Messrs. Archer, Baker, Bowman, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Gilham, Hardin, Harlan, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, Marshall, McCormick, McCutchen, Menard, Otwell, Phillips, Rawalt, Read, Roberts, George Smith, Stapp, Starr, Thomas of McLean, Webb, and Williams—41.—*of the House of Representatives.*

No person having yet received a majority of all the votes, the two Houses proceeded to take a fifth vote. When,

Mr. Prickett received sixty votes;

Mr. Moore received fifty five votes;

Scattering, seven votes.

Those who voted for Mr. Prickett, are,

Messrs. Allen, Borough, Bostwick, Gaston, Gibbs, Hacker, Hunter, Johnston, Markley, Mitchell, Nunnally, Parrish, Richardson, Stadden, Warren, Weatherford, Witt, Woodworth, and Wood—19.—*of the Senate.*

And

Messrs. Able, Aldrich, Allen of Greene, Brown, Carpenter, Churchill, Cloud, Crain, Daley, Edmonson, English, Ficklin, Foster, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Huey, Kercheval, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Roman, Simms, Robert Smith, Stapp, Thomas of St. Clair, Turney, Walker of Fulton, Walker of Vermilion, Williamson, Wood, and Mr. Speaker—40.—*of the House of Representatives.*

Those who voted for Mr. Moore, are,

Messrs. Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Greer, Hamlin, Harrison, Little, Mills, Moore, Monroe, Murray, O'Rear, Ross, Servant, and Sergeant—18.—*of the Senate.*

And

Messrs. Archer, Baker, Bowman, Craig, Cunningham, Dawson, Dubois, Dunn, Elliott, Elkin, Emmerson, Gilham, Hardin, Harlan, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Marshall, McCormick, McCutchen, Menard, Otwell, Phillips, Rawalt, Roberts, George Smith, Starr, Thomas of McLean, Webb, and Williams—37.—*of the House of Representatives.*

No person having yet received a majority of all the votes given,

On motion of Mr. Davidson, of the Senate,

The two Houses proceeded to the election of three Acting Commissioners of the Internal Improvement Board. When,

Mr. Joseph Bealle received seventy eight votes;

Mr. Hart Fellows received seventy eight votes;

Mr. John Hogan received one hundred and two votes;

Mr. Jesse B. Thomas received fifty votes;

Mr. Divine received thirty two votes.

Those voting for Mr. Bealle, are,

Messrs. Allen, Borough, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Gibbs, Greer, Hamlin, Hunter, Harrison, Little, Mills, Mitchell, Moore, Monroe, Murray, O'Rear, Ross, Servant, Sergeant, Weatherford, and Wood—25.—*of the Senate.*

And

Messrs. Able, Aldrich, Archer, Baker, Bowman, Brown, Carpenter, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Ficklin, Gilham, Green of Clay, Hardin, Harlan, Harris, Henderson, Henry, Holmes, Houston, Huey, Hull, Jarrott, Johnson, Jones, Kerr, Lincoln, Lyons, Marshall, McCormick, McCutchen, Menard, Otwell, Phillips, Rawalt, Read, Roberts, George Smith, Stapp, Starr, Thomas of McLean, Turney, Walker of Fulton, Webb, Williams, and Mr. Speaker—53.—*of the House of Representatives.*

Those who voted for Mr. Fellows, are,

Messrs. Allen, Borough, Bostwick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Greer, Hamlin, Hunter, Harrison, Little, Markley, Mills. Moore, Monroe, Murray, O'Rear, Richardson, Ross, Servant, Sergeant, Stadden, Warren, and Witt—27.—*of the Senate.*

And

Messrs. Aldrich, Archer, Baker, Bowman, Brown, Churchill, Cloud, Cunningham, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Ficklin, Foster, Gilham, Green of Greene, Hardin, Harlan, Henderson, Henry, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Logan, Lincoln, Lyons, Marshall, McCormick, McCutchen, McWilliams, Menard, Otwell, Phillips, Rawalt, Read, Roberts, George Smith, Robert Smith, Stapp, Starr, Thomas of McLean, Walker of Fulton, Webb, Williams, Williamson—51.—*of the House of Representatives.*

Those who voted for Mr. Hogan, are,

Messrs. Allen, Borough, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Gaston, Gatewood, Gibbs, Greer, Hacker, Hamlin, Hunter, Harri-

son, Herndon, Little, Mills, Mitchell, Moore, Monroe, Murray, O'Rear, Parrish, Ross, Servant, Sergeant, Warren, Witt, Woodworth, and Wood—32.—*of the Senate.*

And

Messrs. Able, Aldrich, Archer, Baker, Bowman, Cloud, Craig, Cunningham, Daley, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, English, Ficklin, Foster, Gilham, Green of Clay, Green of Greene, Hankins, Happy, Hardin, Harlan, Harris, Henderson, Henry, Holmes, Houston, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Logan, Lincoln, Lyons, Marshall, McCormick, McCutchen, McWilliams, Menard, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Otwell, Phillips, Rawalt, Read, Roberts, Roman, George Smith, Robert Smith, Stapp, Starr, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Webb, Williams, Williamson, Zimmerman, and Mr. Speaker—70.—*of the House of Representatives.*

Those who voted for Mr. Divine, are,

Messrs. Bostwick, Gaston, Hacker, Markley, Nunnally, Richardson, Stadden, Weatherford, and Woodworth—9—*of the Senate.*

And

Messrs. Able, Allen of Greene, Brown, Carpenter, Churchill, Craig, Daley, Edmonson, English, Happy, Kent, Kercheval, Maus, Moore, Morgan, Murphy of Perry, Nance, Naper, Simms, Thomas of St. Clair, Turney, Walker of Vermilion, Zimmerman, and Mr. Speaker—23.—*of the House of Representatives.*

Those who voted for Mr. Thomas, are,

Messrs. Bostwick, Gaston, Gibbs, Hacker, Herndon, Johnston, Markley, Mitchell, Parrish, Richardson, Stadden, Warren, Weatherford, Witt, Woodworth, and Wood—16.—*of the Senate.*

And

Messrs. Allen of Greene, Carpenter, Churchill, Cloud, Daley, Edmonson, English, Foster, Green of Clay, Green of Greene, Hankins, Happy, Harris, Holmes, Houston, Huey, Kercheval, Logan, Maus, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Roman, Robert Smith, Thomas of St. Clair, Turney, Walker of Vermilion, Williamson, Wood, and Zimmerman—34.—*of the House of Representatives.*

And Messrs. Joseph Bealle, Hart Fellows, and John Hogan, having received a majority of all the votes given, were declared duly elected.

The two Houses then proceeded to the election of one Fund Commissioner. When,

Mr. Richard F. Barrett received fifty one votes;

Mr. Brothers received sixty votes;

Scattering, eleven votes.

Those who voted for Mr. Barrett, are,

Messrs. Allen, Butler, Davidson, Fithian, Greer, Hamlin, Harrison, Herndon, Markley, Mills, Mitchell, Monroe, and Wood—13.—*of the Senate.*

And

Messrs. Aldrich, Archer, Baker, Craig, Cunningham, Dawson, Dunn, Edwards, Elliott, Elkin, English, Ficklin, Harlan, Henderson, Hull, Kent, Kerr, Lincoln, Lyons, Marshall, McCormick, McCutchen, Menard, Nance, Naper, Pace, Rawalt, Read, Roman, George Smith, Starr, Thomas of

McLean, Thomas of St. Clair, Walker of Fulton, Webb, Williams, Williamson, and Mr. Speaker—38.—*of the House of Representatives.*

Those who voted for Mr. Brothers, are,

Messrs. Borough, Bostwick, Blackwell, Browning, Churchill, Gaston, Gatewood, Gibbs, Hacker, Hunter, Little, Moore, Murray, O'Rear, Parrish, Richardson, Ross, Servant, Sergeant, Warren, Weatherford, Witt, and Woodworth—23.—*of the Senate.*

And

Messrs. Able, Allen of Greene, Bowman, Brown, Churchill, Cloud, Daley, Dubois, Edmonson, Emmerson, Foster, Gilham, Green of Clay, Green of Greene, Hankins, Happy, Hardin, Harris, Henry, Holmes, Houston, Jarrott, Johnson, Logan, McWilliams. Morgan, Murphy of Cook, Murphy of Perry, Otwell, Phillips, Roberts, Robert Smith, Stapp, Turney, Walker of Vermilion, and Zimmerman—37.—*of the House of Representatives.*

No person having received a majority of all the votes given, the two Houses proceeded to a second vote. When,

Mr. Barrett received fifty-seven votes;

Mr. Brothers received sixty votes;

Scattering, five votes;

Those who voted for Mr. Barrett, are,

Messrs. Allen, Butler, Davidson, Fithian, Greer, Hamlin, Harrison, Herndon, Markley, Mills, Mitchell, Monroe, Nunnally, Wood—14.—*of the Senate.*

And,

Messrs. Aldrich, Archer, Baker, Craig, Cunningham, Daley, Dawson, Dunn, Edwards, Elliott, Elkin, English, Ficklin, Foster, Harlan, Henderson, Houston, Hull, Kent, Kerr, Lincoln, Lyons, Marshall, McCormick, McCutchen, Menard, Moore, Murphy of Cook, Nance, Naper, Pace, Read, Roberts, Roman, George Smith, Starr, Thomas of McLean, Thomas of St. Clair, Walker of Vermilion, Webb, Williams, Williamson and Mr. Speaker—57.—*of the House of Representatives.*

Those who voted for Mr. Brothers, are,

Messrs. Borough, Blackwell, Browning, Churchill, Gaston, Gatewood, Gibbs, Hacker, Hunter, Little, Moore, Murray, O'Rear, Parrish, Richardson, Ross, Servant, Sergeant, Stadden, Warren, Weatherford, Witt, and Woodworth—23.—*of the Senate.*

And,

Messrs. Able, Allen of Greene, Bowman, Brown, Churchill, Cloud, Dubois, Edmonson, Emmerson, Gilham, Green of Clay, Green of Greene, Hankins, Happy, Hardin, Harris, Henry, Holmes, Huey, Jarrott, Johnson, Jones, Kercheval, Logan, McWilliams, Morgan, Murphy of Perry, Otwell, Phillips, Rawalt, Simms, Robert Smith, Stapp, Turney, Walker of Fulton, Wood and Zimmerman—60.—*of the House of Representatives.*

No person having yet received a majority of all the votes given, the two Houses proceeded to a third vote. When,

Mr. Barrett received sixty-eight votes;

Mr. Brothers received fifty-three votes;

Those who voted for Mr. Barrett, are,

Messrs. Allen, Butler, Davidson, Fithian, Greer, Hamlin, Harrison,

Herndon, Johnston, Markley, Mills, Mitchell, Moore, Monroe, Parrish, and Wood—16.—*of the Senate.*

And,

Messrs. Able, Aldrich, Archer, Baker, Craig, Cunningham, Daley, Dawson, Dunn, Edwards, Elliott, Elkin, English, Ficklin, Foster, Harlan, Henderson, Hull, Kent, Kercheval, Kerr, Lincoln, Lyons, Marshall, McCormick, McCutchen, Menard, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Otwell, Phillips, Read, Roberts, Roman, Geo. Smith, R. Smith, Starr, Thomas of McLean, Thomas of St. Clair, Turney, Walker of Fulton, Walker of Vermilion, Webb, Williams, Williamson, Wood, Zimmerman and Mr. Speaker—68.—*of the House of Representatives.*

Those who voted for Mr. Brothers, are,

Messrs. Borough, Bostwick, Blackwell, Browning, Churchill, Gaston, Gatewood, Gibbs, Hacker, Hunter, Little, Murray, Nunnally, O'Rear, Richardson, Ross, Servant, Sergeant, Stadden, Warren, Weatherford, Witt and Woodworth—23.—*of the Senate.*

And,

Messrs. Allen of Greene, Bowman, Brown, Carpenter, Churchill, Cloud, Crain, Dubois, Edmonson, Emmerson, Gilham, Green of Clay, Green of Greene, Hankins, Happy, Hardin, Harris, Henry, Holmes, Houston, Jarrott, Johnson, Jones, Logan, Maus, McWilliams, Pace, Rawalt, Simms, and Stapp—53.—*of the House of Representatives.*

When Mr. Barrett having received a majority of all the votes given, was duly elected Fund Commissioner of the State of Illinois.

The two Houses now again proceeded to vote the sixth time for Treasurer of the Board of Commissioners of the Illinois and Michigan Canal. When,

Mr. Prickett received sixty votes;

Mr. Moore received fifty-nine votes;

Scattering, three votes.

Those who voted for Mr. Prickett, are,

Messrs. Allen, Borough, Bostwick, Gaston, Gibbs, Hacker, Hunter, Johnston, Markley, Mitchell, Nunnally, Parrish, Richardson, Stadden, Warren, Weatherford, Witt and Woodworth and Wood—19.—*of the Senate.*

And,

Messrs. Able, Aldrich, Allen of Greene, Brown, Carpenter, Churchill, Cloud, Crain, Daley, Edmonson, English, Ficklin, Foster, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Huey, Kercheval, Logan, Maus, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Roman, Simms, Robert Smith, Thomas of St. Clair, Turney, Walker of Vermilion, Williamson, Wood, Zimmerman and Mr. Speaker—60.—*of the House of Representatives.*

Those who voted for Mr. Moore, are,

Messrs. Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Greer, Hamlin, Harrison, Little, Mills, Moore, Monroe, Murray, O'Rear, Ross, Servant, and Sergeant—18.—*of the Senate.*

And,

Messrs. Archer, Baker, Bowman, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Gilham, Hardin, Harlan, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lin-

coln, Lyons, Marshall, McCormick, McCutchen, Menard, Otwell, Phillips, Rawalt, Read, Roberts, George Smith, Starr, Thomas of McLean, Walker of Fulton, Webb and Williams—41.—*of the House of Representatives.*

No person having yet received a majority of all the votes given, the two Houses proceeded to vote the seventh time.

When Mr. Prickett received fifty-nine votes;

Mr. Moore received fifty-six votes;

Scattering, five votes.

Those who voted for Mr. Prickett, are,

Messrs. Allen, Borough, Bostwick, Gaston, Gibbs, Hacker, Hunter, Johnston, Markley, Mitchell, Nunnally, Parrish, Richardson, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—19.—*of the Senate.*

And,

Messrs. Able, Allen of Greene, Brown, Carpenter, Churchill, Cloud, Crain, Daley, Edmonson, English, Ficklin, Foster, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Kercheval, Logan, Maus, McCormick, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Roman, Simms, Robert Smith, Thomas of St. Clair, Turney, Walker of Vermilion, Williamson, Wood, Zimmerman and Mr. Speaker—40.—*of the House of Representatives.*

Those who voted for Mr. Moore, are,

Messrs. Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Greer, Hamlin, Harrison, Little, Mills, Moore, Monroe, Murray, O'Rear, Ross, Servant, Sergeant—18.—*of the Senate.* And

Messrs. Archer, Baker, Bowman, Craig, Cunningham, Dawson, Dubois, Dunn, Elliott, Elkin, Emmerson, Gilham, Harlan, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, Marshall, McCutchen, Menard, Otwell, Phillips, Rawalt, Read, Roberts, Geo. Smith, Starr, Thomas of McLean, Walker of Fulton, Webb, and Williams—38.—*of the House of Representatives.*

No person having yet received a majority of all the votes given, the two Houses proceeded to vote the eighth time.

When Mr. Prickett received sixty votes;

Mr. Moore received fifty-four votes;

Scattering, 3 votes.

Those who voted for Mr. Prickett, are,

Messrs. Allen, Borough, Bostwick. Gaston, Gibbs, Hacker, Hunter, Johnson, Markley, Mitchell, Nunnally, Parrish, Richardson, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—19.—*of the Senate.*

And,

Messrs. Able, Aldrich, Allen of Greene, Brown, Carpenter, Churchill, Cloud, Crain, Daley, Edmonson, English, Ficklin, Foster, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Huey, Kercheval, Logan, Maus, McCormick, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Nance, Naper, Pace, Simms, R. Smith, Thomas of St. Clair, Turney, Walker of Vermilion, Williamson, Wood, Zimmerman and Mr. Speaker—41.—*of the House of Representatives.*

Those who voted for Mr. Moore, are,

Messrs. Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Greer, Harrison, Mills, Moore, Monroe, Murray, O'Rear, Servant, and Sergeant—15.—*of the Senate.*

Messrs. Archer, Baker, Bowman, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elliott, Elkin, Emmerson, Gilham, Hardin, Harlan, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCutchen, Menard, Otwell, Phillips, Rawalt, Read, Roberts, George Smith, Starr, Thomas of McLean, Walker of Fulton, Webb and Williams—39.—*of the House of Representatives.*

When Mr. Prickett, having received a majority of all the votes, was duly elected Treasurer of the Board of Commissioners of the Illinois and Michigan Canal.

The two Houses then proceeded to elect three Revisers of the Laws of Illinois; and having partially voted the first time.

The subject was indefinitely postponed, and the Senate withdrew; when,

The House adjourned.

MONDAY, February 3, 1840.

The House met pursuant to adjournment.

Mr. Cloud, from the committee on Canals and Canal Lands, reported back to the House sundry documents and papers, which had been referred to said committee; and was discharged from the further consideration thereof.

A message from the Council of Revision, by Mr. Hubbard, their Secretary.

Mr. Speaker: The Council of Revision have directed me to inform the House that they have approved of the passage of bills of the following titles, to wit:

"An act to authorize the Board of Public Works to audit and settle the accounts of Edward Smith, deceased;"

"An act to incorporate the Sangamon Coal Bank Bridge Company;"

"An act supplemental to an act to authorize and require the School Commissioner of Sangamon county to pay over certain school funds to the School Commissioners of Menard, Logan and Dane counties;"

"An act to incorporate the town of Jacksonville, and for other purposes;"

"An act concerning the revenue in Clay county;"

"An act to incorporate the Springfield Mechanics' Union;"

"An act to locate a State road in the county of Washington;"

"An act to legalize the acts of the Commissioners of Champaign county;"

"An act concerning the Little Wabash river;"

"An act to amend the several laws in relation to appeals;"

"An act regulating the time of holding the court in the counties of Clinton and Bond."

They have also directed me to return an act of the following title, to wit:

"An act for the relief of certain securities therein named;" with their objections as follows:

The Council of Revision having had under consideration the bill entitled "An act for the relief of certain securities therein named," return the same, as improper to become a law, because they consider the first section of the act, which authorizes the release of the securities of the Sheriff upon giving notice, is retrospective in its operation, and discharges the

securities from all previous liabilities, and is dependent on the single act of notification alone. The effect of this section is, also, to leave the Sheriff during the interval created by the release of the securities, to the full exercise of the duties of his office, without any bond being giving until the time specified in the 2d section, and until he shall comply with the requisition of the 2d section. The effect of this act would necessarily be, to subject all suitors to the peril of loss, by the acts of the Sheriff, during such interval, if the Sheriff should misbehave.

We cannot presume that these consequences were anticipated at the time of the passage of the act, and therefore express our dissent to it.

THOMAS CARLIN,
SAMUEL D. LOCKWOOD,
THOMAS W. SMITH,
THOMAS C. BROWNE,
WM. WILSON.

COUNCIL CHAMBER, February 3d, 1840.

On motion of Mr. English,

The reading of the Journal of yesterday was dispensed with.

On motion of Mr. English,

The following resolution was adopted:

Resolved by the General Assembly, That the Governor is hereby authorized to pay out of the contingent fund, sixty dollars to J. Townsend for his services as clerk of the committee on Internal Improvements, in the House of Representatives."

Mr. Moore, from the committee on Enrolled Bills, reported as correctly enrolled, the following bills:

A bill for "An act concerning the Little Wabash river;"

A bill for "An act supplemantary to an act to authorize and require the School Commissioner of Sangamon county to pay over certain school funds to the School Commissioners of Menard, Logan and Dane counties;"

A bill for "An act to incorporate the town of Jacksonville and for other purposes;"

A bill for "An act regulating the time of holding the court in the counties of Clinton and Bond;"

A bill for "An act to amend the several laws in relation to appeals."

And have also laid the same before the Council of Revision.

Mr. Allen of Greene, from the select committee, to which was referred the petition of sundry citizens of Jersey county; reported the same back to the House, and was discharged from the further consideration of the same.

Mr. McCormick, from select committees, to which were referred bills of the following titles, viz:

"An act in relation to the State Bank of Illinois and the Bank of Illinois;"

"An act to amend the several acts in relation to public roads;"

"An act in relation to the navigation of the Sangamon river and the Sangamon bridge;" and, also,

"Resolutions of enquiry into the conduct of the State House Commissioners;" reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Baker, by request from Mr. Webb, from the committee on the Ju-

diciary, reported back to the House sundry bills and resolutions, which had been referred to said committee; which was discharged from the further consideration of the same.

Mr. Archer, from the committee on the State Roads, made the following report:

"The committee on State Roads, to which was referred a petition of many citizens, for an alteration of a State road from Gilead to Rushville, and a remonstrance, report: that they have examined the subject, and find a majority on the remonstrance, and are of opinion that the alteration asked for, should not be granted, and ask to be discharged from the further consideration of the subject.

The committee having a petition for an alteration of the road from Darwin to Auburn, and from York to Martinsville, and a remonstrance and many other petitions relating to roads, on examination. find that notice under the law of last session had not been given, of the intention to apply for such roads and alterations; and believing that the requisition of said law should be adhered to, report unfavorably to the petitioners, on the several petitions now returned, and ask leave to be discharged from the further consideration of the same;" which was agreed to.

When the Speaker, in conformity with the resolution of the two Houses, pronounced the House of Representatives adjourned, *sine die.*

STANDING COMMITTEES

OF THE

HOUSE OF REPRESENTATIVES.

The following are the Standing Committees of this House:

On the Judiciary—Messrs. Webb, Jarrott, Hardin, Baker, McCutchen, Marshall, Fisk, Craig, and Bowman.

On Finance—Messrs. Williams, Gouge, Lincoln, Walker of Vermilion, Daley, Stapp, Rawalt, Murphy of Cook and Roman.

On Elections—Messrs. Carpenter, Edmonson, Thomas of McLean, Dubois, Allen of Franklin, Murphy of Vermilion, Phillips, Lyons and Morgan.

On the Militia—Messrs. Harris, Jones, Read, Walker of Fulton, Bainbridge, Dawson, Allen of Greene, Foster and Elkin.

On Internal Improvements—Messrs. Murphy of Perry, English, Thomas of St. Clair, Happy, Moore, Able, Williamson, Ficklin, Logan, & Turney.

On Education—Messrs. Ficklin, Roman, Crain, Maus, Webb, McWilliams, Kent, Hankins and Johnson.

On Public Acts and Expenditures—Messrs. Happy, Daley, Aldrich, Pace, Robert Smith, Wood, Dubois, Hardin and Simms.

On the Penitentiary—Messrs. Robert Smith, Gilham, Morgan, Green of Greene, Craig, Huey, George Smith, Copland and Love.

On Salines—Messrs. Walker of Vermilion, Dunn, Wood, Dawson, Menard, Roberts, Bainbridge, Nance and Lyons.

On Canals and Canal Lands—Messrs. Cloud, Churchill, Kercheval, Henderson, Harlan, Murphy of Cook, Naper and Baker.

On Public Buildings and Grounds—Messrs. Holmes, Alexander, Edwards, Hankins, Fisk, Bowman, Copland, Zimmerman and Nance.

On Manufactures and Commerce—Messrs. Pace, Aldrich, Geo. Smith, McCormick, Edmonson, Henry, Phillips, Zimmerman and Emmerson.

On Claims—Messrs. Naper, Houston, Simms, Alexander, Edwards, Henry, Brown, Read, Allen of Franklin, and McMillan.

On State Roads—Messrs. Archer, Walker of Fulton, Elliot, Cunningham, Brown, Huey, Jones, Allen of Greene, and Otwell.

On Counties—Messrs. Moore, Lincoln, Cloud, Kent, Houston, Green of Clay, Murphy of Vermilion, Hull and Foster.

On Engrossed Bills—Messrs. Maus, Menard, Jarrott, Stapp, Englis Starr, Elkin, Gilham and Crain.

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ERRATA.

Page 11, line 8 from bottom, for "Gouge, Smith," read *George Smith.*
Page 12, line 14 from top, the same error as above occurs.
Page 12, line 16 from bottom, correct as above.
Page 13, line 6 from top, same.
Page 13, line 24 from bottom, same.
Page 41, top line, for "Black," read *Clark.*